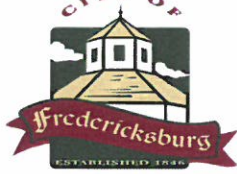


Due to ice and snow storm, power failures, and interruptions of communication facilities including Internet and mobile data services, the City Council is prevented from convening this meeting as scheduled on 2/15/2021. This meeting is now scheduled to convene at 6 PM on Thursday, 2/18/2021, via Zoom, as noticed below.



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA

MONDAY, FEBRUARY 15, 2021 ~ 6 P.M.

VIA ZOOM

Charlie Kiehne, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember

Jerry M. Luckenbach, Councilmember
Polly Rickert, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, February 15, 2021, at 6 p.m. This meeting will be held remotely via Zoom Teleconferencing, and in person attendance will not be available. Members of the public may attend the meeting remotely by web or telephone via Zoom Teleconferencing (see details below). 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 of the public may attend remotely using one of the following:

Computer Join Zoom Meeting:

<https://us02web.zoom.us/j/86148861218?pwd=dHZwWEddldTZTR0U0Um11QzdJQkd6UT09>

Meeting ID: 861 4886 1218

Passcode: 876376

One tap mobile

+13462487799, 86148861218# US (Houston)

+12532158782, 86148861218# US (Tacoma)

Dial by your location

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 861 4886 1218

Find your local number: <https://us02web.zoom.us/u/keredMugG1>

You may also access this meeting through livestream on the City of Fredericksburg's Facebook page.

Audio of this meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC**
- 4. EMPLOYEE RECOGNITIONS**
- 5. PUBLIC COMMENTS**

During the COVID-19 pandemic, the City of Fredericksburg is allowing written or verbal public comments:

Written Comments: to be submitted remotely:

1. Must be received by 3 p.m. on February 15, 2021.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to CitizenComments@fbgtx.org or
4. Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the “***February 15, 2021***, City Council Regular Meeting” tab.

Verbal Comments:

1. Must submit your name, address and contact information to CitizenComments@fbgtx.org by 3 p.m. on February 15, 2021.
2. Please log on to the meeting 15 minutes early.
3. Set your name in the ID on the Zoom Meeting
4. Wait for your name to be called.

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 February 1, 2021, City Council Regular Meeting Minutes (Shelley Goodwin, City Secretary).
(Agenda Packet Pages 5-14)
- B. Consider the approval of Resolution 2021-02R authorizing submission of the grant application for the Fredericksburg Police Department Response Equipment Grant (Brian Vorauer, Patrol Lieutenant).
(Agenda Packet Pages 15-40)

7. PUBLIC HEARING

- A. Hold a public hearing to receive citizen comments for or against a request from Nick Taylor with simple as Dirt Engineering requesting a Conditional Use Permit per section 5.400 for the following uses: condominium residential and Townhouse Residential on a C1 Zoned property located at 1032 S. Milam (#Z-2019) (Jason Lutz, Director of Development Services).
(Agenda Packet Pages 41-98)

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of Conditional Use Permit per section 5.400 for the following uses: condominium residential and Townhouse Residential on a C1 Zoned property located at 1032 S. Milam (#Z-2019) (Jason Lutz, Director of Development Services).
(Agenda Packet Pages 41-98)
- B. Consider the approval of extension to the Art Guild Lease Agreement (Kent Myers, City Manager).
(Agenda Packet Pages 99-114)
- C. Consider, discuss, and take action regarding locations, equipment, and format of future City Council and other Public Meetings (Kent Myers, City Manager)
(Agenda Packet Pages 115-116)

- D.** Consider and discuss the 175th Anniversary Celebration presentation (Andrea Schmidt, Park & Recreation Director).
(Agenda Packet Pages 117-118)
- E.** Consider, discuss, and take appropriate action regarding the current Moratorium on Special Events and Outdoor Gatherings of 75 or more (Jennifer Krupa, Special Events Coordinator).
(Agenda Packet Pages 119-124)
- F.** Consider, discuss and take action regarding approval of the Health and Safety Plan for the following events (Jennifer Krupa, Special Events Coordinator):
 - i. Fredericksburg Lions Club for pancake breakfast on April 3, 2021
(Agenda Packet Pages 125-134)
 - ii. Die Kunstler von Fredericksburg Art Show on April 10, 2021
(Agenda Packet Pages 135-140)

9. CITY MANAGER REPORT

- A.** Legislative Update
- B.** FISD Bond Plans
- C.** March 3, 2021 City Council Work Session

10. ITEMS FOR FUTURE AGENDA

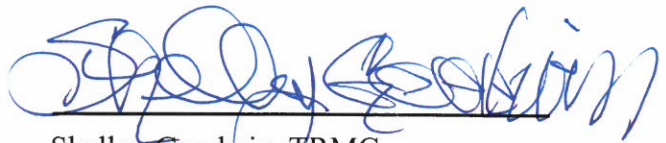
(Agenda Packet Pages 141-142)

11. COUNCIL COMMENTS

Reports about items of community interest, which no action will be taken.

12. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 3:15 p.m. on February 10, 2021, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING FEBRUARY 1, 2021

The City of Fredericksburg City Council met in a regular session on Monday, February 1, 2021, at 6 p.m. This meeting was held remotely 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:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Polly Rickert
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
Russell Immel, Director of Information Technology
Eric Whiting, Information Technology
Andrea Schmidt, Parks Department Director
Laura Hollenbeck, Finance Director
Lea Feuge, Public Information Officer
Justin Calhoun, Emergency Management Coordinator
Reagan Rabke, Fire Marshall
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
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 1, 2021, via Zoom Teleconference. Mayor Kiehne announced a quorum of the City Council present.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge.

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reported as of 2-1-2021:

World		United States					
102,584,351 Positive Cases		26,034,475 Positive Cases					
Texas Counties	Texas Total Cases	Texas Deaths	Texas Daily New Deaths	Texas Active Cases	Texas Daily New Cases	Texas Recovered	Texas Probable
254 out of 254	2,857,170	36,539	48	364,238	11,885	1,974,072	305,000
Region 8 Counties	Region 8 Total Cases	Region 8 Deaths	Region 8 Active Cases	Region 8 Pending investigation	Region 8 Recovered	Region 8 Probable	Region 8 Confirmed
28 out of 28	221,666	2,823	20,307	7,948	198,547	32,732	179,986

COVID-19 totals of the adjacent counties' information (DSHS as of 2-1-2021):

County	Cases	Active	Recovered	Fatalities
Gillespie County	2,163	115	2,006	42
Kerr County	3,575	217	3,275	84
Kendall County	2,308	148	2,105	55
Mason County	338	14	320	4
Llano County	1,270	298	937	35
Blanco County	265	148	104	13

FISD reporting 10 positive cases

Vaccines -Texas

Doses Allocated	Doses Shipped	People vaccinated – 1 dose	People fully vaccinated
3,898,900	3,500,000	1,883,000	475,461

Vaccines -Gillespie County

People vaccinated – 1 dose	People fully vaccinated
2,239	460

Hospital Data- Texas 11,967 and Hill Country Memorial 4

Lynn Bizzell, Fire Chief, reported on the following:

- CDC Guidelines
- Social distancing to eliminate community spread

Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

7. RESOLUTION

- A. Consider the approval of Resolution 2021-01R, authorizing the use of the power of eminent domain, to condemn and acquire property from Arch Ray, LLC, as follows: 1) a 0.12 acre temporary construction easement; 2) a 0.24 acre water line easement; 3) a 0.29 acre water line easement; and 4) a 0.89 acre temporary construction easement; said property located along or adjacent to the northern boundary of US 290 E, approximately two (2) miles east of the City limits, for the public purpose of installing and maintaining public utility water pipe lines and all laterals and appurtenances necessary or incident thereto (Daniel Jones, City Attorney).**

This item was taken up after Agenda Item #12.

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of an Election Order to call the General Election on May 1, 2021 for the purpose of electing two (2) City Councilmembers to City Council, adding the provisions for the conduct of such election. (Shelley Goodwin, City Secretary).**

Shelley Goodwin, City Secretary, reviewed the proposed Order calling the Saturday, May 1, 2021, General Election. She noted Early Voting is proposed to be held at Girl Scout Cabin and Election Day at the Fredericksburg Middle School in the Library. She also recommended the following changes:

- Receiving Applications for Ballot by Mail in-person and by mail change to read 5 p.m.
- Adding City Secretary email address and phone #.
- Holding Early Voting on Saturday, April 24th, from 7:30 a.m. to 11:30 a.m.

The City Council discussed the Order and the recommended changes.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Musselman, to approve the Election Order calling the General Election on May 1, 2021 for the purpose of electing two (2) City Councilmembers to City Council, adding the provisions for the conduct of such election, with the following amendment to the Order:

- Change the time to receiving Applications for Ballot by Mail in-person and by mail to read 5 p.m.
- Adding City Secretary email address and phone #.
- Add Saturday, April 24th from 7:30 a.m. to 11:30 a.m. to the Early Voting days.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

- B. Consider and discuss the Emergency Declaration/Metrics (Justin Calhoun, Emergency Management Coordinator).**

Jeannette Hormuth spoke regarding how the mask mandate violates individual rights. She stated she does not believe the COVID shot are not vaccines.

George Studor read a statement regarding the Fredericksburg Emergency Management Plan. He stated the Plan needs to show how to get back to normal and recommended establishing goals that define normal.

Justin Calhoun, Emergency Management Coordinator, provided a PowerPoint regarding the Emergency Declaration/Metrics related to the pandemic.

The City Council discussed the difference between the local Governor's Order and the Mayor's Order, current vaccinations, and education opportunities for the residents using metrics. They also provided suggestions to include in a Metrics to be bought back to City Council in March.

C. Consider, discuss, and take action regarding a Fredericksburg Farmers Market request to move from Kinder Halle to Adelsverein Halle, set the fee, and approve the Health and Safety Plan (Jennifer Krupa, Special Events Coordinator).

Jennifer Krupa, Special Events Coordinator, stated the Fredericksburg Farmers Market has requested to move to Adelsverin Halle at Marktplatz for future markets. She stated currently, the Market pays for Kinder Halle and that hanging the banner is \$650. She noted the new rate for Adelsverein Halle's use and to hang the banner would total \$1,000. She also reviewed their Health and Safety Plan.

The City Council discussed the Adelsverein Halle fees and their Health and Safety Plan.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the Fredericksburg Farmers Market request to move from Kinder to Adelsverein Halle, set the fee at \$1,000 (including hanging the banner), and approve the Health and Safety Plan.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

D. Consider, discuss and take action regarding approving the Health and Safety Plan and closure of W. Austin Street between N. Adams and N. Crockett Streets Street on April 24, 2021 from 6 a.m. to 12 a.m. for the Wildflower Run (Jennifer Krupa, Special Events Coordinator)

Jennifer Krupa, Special Events Coordinator, stated the Fredericksburg Wildflower Run & Walk is an annual event sponsored by Hill Country Memorial Wellness Center, benefitting the Fredericksburg Academic Booters. She noted they are requesting the closure at W. Austin Street between N. Adams Street and N. Crockett Street for six hours during the event. She also reviewed their Health and Safety Plan.

The City Council discussed the Health and Safety Plan for the Wildflower Run. They also discussed the street closure and the cost of closing the streets.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Health and Safety Plan and closure of W. Austin Street between N. Adams and N. Crockett Streets Street on April 24, 2021, from 6 a.m. to 12 a.m. for the Wildflower Run.

On roll call, the City Council voted:

Mayor Kiehne	aye
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Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

E. Consider, discuss and take action regarding approving the Health and Safety Plan for the following events:

i. Wanderlust Run on March 20, 2021

Jennifer Krupa, Special Events Coordinator, stated the Scallywampus Event of Wanderlust Half Marathon submitted a Health & Safety Plan for review at the January 19, 2021 City Council meeting and no action was taken on the item. She reviewed the updated Plan.

The City Council discussed the Health & Safety Plan, estimated attendance, temperature checks, and award ceremony.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the Health and Safety Plan for the Wanderlust Run scheduled for March 20, 2021.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	nay
Councilmember Watson	aye

Motion passes unanimously four (4) for, and one (1) opposed (Councilmember Rickert).

ii. Redbud Artisan Market on April 3, 2021 (Jennifer Krupa, Special Events Coordinator)

Jennifer Krupa, Special Events Coordinator, stated the Redbud Artisan Market submitted a Health & Safety Plan scheduled on April 3, 2021. She reviewed the updated Plan.

The City Council discussed the Health & Safety Plan.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Health and Safety Plan for the Redbud Artisan Market scheduled for April 3, 2021.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

9. CITY MANAGER REPORT

A. February City Council Work Session

Kent Myers, City Manager, reviewed the different agenda items and possible dates.

The City Council agreed by consensus to hold the meeting the first week of March, so it can be held as a hybrid meeting.

B. Legislative Update

Kent Myers, City Manager, provided an update on legislative activity. He also noted there will likely be a special session this year to address re-districting.

C. Options for Hybrid Council Meetings

Kent Myers, City Manager, reviewed the direction the City Council previously gave him regarding hybrid meetings. He noted the challenges staff is facing regarding a large enough venue and internet connection. He stated the City could work with a local company to assist with meetings until they get equipment. He noted the estimated cost of the equipment is \$45,000.

The City Council discussed different venues and their capacities. They also agreed by consensus to borrow the equipment and consider the purchase of our own equipment to hold hybrid meetings and to continue to find a venue large enough.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming meeting agenda items.

11. COUNCIL COMMENTS

Councilmember Rickert stated she attended the Chamber of Commerce Board of Directors Meeting and the Relief Route Task Force Meeting. The Relief Route Task Force created several sub-committees.

Councilmember Musselman stated the Hill Country Memorial Hospital rolled out the vaccine process, which was overwhelming at first but now things are going smooth. There are no vaccines going to waste. He stated there is an estimated 8,500 1B residents, so the public needs to be patient.

Councilmember Luckenbach stated he attended Gillespie County Commissioner's Court, and they will be holding a public hearing on March 8, 2021, on Boot Ranch. They also did a refinancing on the Jail Bond, which created major savings.

Mayor Kiehne stated HCM needs volunteers at the Vaccination Site; he encouraged everyone to assist with this process.

12. 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 551.072 (Deliberation Regarding Real Property):

- A. Consider and discuss the annual evaluation of the City Manager, City Attorney, and Municipal Court Judge (Sec. 551.074) and**
- B. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of US 290 E at the Pedernales River crossing, approximately two miles to the east of the City of Fredericksburg (Sec. 551.072).**
- C. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of US 290 E and RR 1376, approximately three miles to the east of the City of Fredericksburg (Sec. 551.072).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Session into Executive Session at 8:29 p.m. On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Executive Session into the Regular Session at 8:55 p.m.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

The City Council then considered Agenda Item 7. A.

7. A. Consider the approval of Resolution 2021-01R, authorizing the use of the power of eminent domain, to condemn and acquire property from Arch Ray, LLC, as follows: 1) a 0.12 acre temporary construction easement; 2) a 0.24 acre water line easement; 3) a 0.29 acre water line easement; and 4) a 0.89 acre temporary construction easement; said property located along or adjacent to the northern boundary of US 290 E, approximately two (2) miles east of the City limits, for the public purpose of installing and maintaining public utility water pipe lines and all laterals and appurtenances necessary or incident thereto (Daniel Jones, City Attorney).

Daniel Jones City Attorney, stated the City Council provided an initial and final offer for these easements and both were declined by the property owner. He also noted that these offers were both above the appraised value of the easement.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Resolution 2021-01R, authorizing the use of the power of eminent domain, to condemn and acquire property from Arch Ray, LLC, as follows: 1) a 0.12 acre temporary construction easement; 2) a 0.24 acre water line easement; 3) a 0.29 acre water line easement; and 4) a 0.89 acre temporary construction easement; said property located along or adjacent to the northern boundary of US 290 E, approximately two (2) miles east of the City limits, for the public purpose of installing and maintaining public utility water pipe lines and all laterals and appurtenances necessary or incident thereto.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Regular Session into Executive Session at 9:05 p.m. on Agenda Item 12. A. On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to go out of Executive Session into the Regular Session at 10:40 p.m.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

13. BUSINESS ITEM

No action was taken following this executive session.

14. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to adjourn the Monday, February 1, 2021, City Council Regular Meeting at 10:43 p.m.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Charlie Kiehne
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: February 9, 2021
TO: Mayor and City Council
FROM: Brian Vorauer, Patrol Lieutenant
SUBJECT: Resolution - Police Response Equipment Grant #4298401

Summary:

The City of Fredericksburg Police Department is in need of additional police response equipment in order to mitigate critical incidences occurring within the city limits of Fredericksburg. Due to the continued increase in population and the rapidly growing tourism industry, the City of Fredericksburg has seen an increase in critical incidents involving violent individuals, individuals with weapons, or mentally ill individuals with weapons. The goal is to purchase police emergency response equipment that will give our law enforcement officers additional protection and more tools to effectively address the growing number of critical incidents. There are no matching funds required by the city and the grant request totals \$19,802.

Recommendation:

It is recommended that the City Council approve the resolution as presented for the Police Response Equipment Grant for fiscal year 2021-2022.

Background / Analysis:

Over the past three years the Fredericksburg Police Department (FPD) was involved in several incidents involving mentally ill individuals possessing firearms and/or knives threatening to harm individuals or themselves. The FPD was involved in an incident with a mentally ill individual with a knife that attempted to commit suicide by cop but was successfully taken into custody after a less than lethal beanbag round

The City of Fredericksburg

was deployed. The FPD recently had two armed robberies at a fast-food restaurant that involved a firearm and a knife. Officers were able to apprehend the suspect but not before he pointed the firearm at an officer. The FPD also responded to a call involving an individual that was on a hill behind a bank pointing a fully automatic Uzi at bank employees and customers. The officers responded but could not approach until additional protective equipment was retrieved from the law enforcement building and brought to them. During this time, the individual went out of sight and could have been tracked or located if a drone were available. When the equipment arrived, the officers were able to deal with the incident and take the individual into custody. All the officers handling or responding to these critical incidents could have benefited from additional protection offered by the equipment and tools the FPD is requesting in this grant.

Attachments:

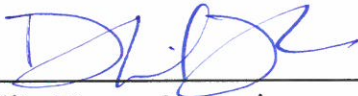
Grant application summary that was submitted to AACOG and the Office of the Governor through eGrants.



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

RESOLUTION 2021-02R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPROVING SUBMISSION OF THE APPLICATION FOR THE FREDERICKSBURG POLICE DEPARTMENT RESPONSE EQUIPMENT GRANT.

WHEREAS, the City of Fredericksburg finds it in the best interest of the citizens of Fredericksburg, Texas, that the Fredericksburg Police Department Police Response Equipment project be operated for October 1, 2021 – September 30, 2022; and

WHEREAS, the City of Fredericksburg agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial Justice Assistance Grant Program (JAG) application; and

WHEREAS, the City of Fredericksburg agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Fredericksburg assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City of Fredericksburg designates the City Manager as the grantee's authorized official, with the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City of Fredericksburg approves submission of the grant application for the Fredericksburg Police Department Police Response Equipment project to the Office of the Governor.

Passed and Approved this ____ (Day) of _____ (Month), ____ (Year).

Charlie Kiehne
Mayor, City of Fredericksburg

ATTEST:

Shelley Goodwin, TRMC
City Secretary

Grant Number: 4298401

Agency Name: City of Fredericksburg
Grant/App: 4298401 **Start Date:** 10/1/2021 **End Date:** 9/30/2022

Project Title: Police Response Equipment
Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460008745003

Application Eligibility Certify:
Created on:2/4/2021 4:47:48 PM By:Brian Vorauer

Profile Information

Applicant Agency Name: City of Fredericksburg
Project Title: Police Response Equipment
Division or Unit to Administer the Project: Fredericksburg Police Department
Address Line 1: 1601 East Main Street
Address Line 2:
City/State/Zip: Fredericksburg Texas 78624-0000
Start Date: 10/1/2021
End Date: 9/30/2022

Regional Council of Governments(COG) within the Project's Impact Area: Alamo Area
Council of Governments
Headquarter County: Gillespie
Counties within Project's Impact Area: Gillespie

Grant Officials:

Authorized Official

Name: Kent Myers
Email: kmyers@fbgtx.org
Address 1: 126 W. Main
Address 1:
City: Fredericksburg, Texas 78624
Phone: 830-998-4101 **Other Phone:** 830-997-7521
Fax: 830-007-1861
Title: Mr.
Salutation: Mr.
Position: City Manager

Financial Official

Name: Laura Hollenbeak
Email: lhollenbeak@fbgtx.org
Address 1: 126 W Main St

Address 1:**City:** Fredericksburg, Texas 78624**Phone:** 830-997-7521 Other Phone: 830-990-2015**Fax:** 830-990-2048**Title:** Ms.**Salutation:** Constable**Position:** Director of Finance**Project Director****Name:** Brian Vorauer**Email:** bvorauer@fbgtx.org**Address 1:** 1601 East Main Street**Address 1:****City:** Fredericksburg, Texas 78624**Phone:** 830-997-7585 Other Phone:**Fax:** 830-997-9541**Title:** Mr.**Salutation:** Lieutenant**Position:** Lieutenant**Grant Writer****Name:** Brian Vorauer**Email:** bvorauer@fbgtx.org**Address 1:** 1601 East Main Street**Address 1:****City:** Fredericksburg, Texas 78624**Phone:** 830-997-7585 Other Phone:**Fax:** 830-997-9541**Title:** Mr.**Salutation:** Lieutenant**Position:** Lieutenant**Grant Vendor Information****Organization Type:** Unit of Local Government (City, Town, or Village)**Organization Option:** applying to provide services to all others**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's****Identification (FEI) Number or Vendor ID):** 17460008745003**Data Universal Numbering System (DUNS):** 076924307**Narrative Information****Introduction**

The purpose of this funding is to support projects that promote public safety, reduce crime, and improve the criminal justice system.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants,

located on the [PSO Resource for Applicants and Grantees webpage](#).

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Constitutional Compliance

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

Information Systems

Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

Bulletproof Vests

Applicant assures that if it plans to purchase body armor with grant funds, that it has adopted a mandatory wear policy and that all vests purchased have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. Additionally, vests purchased must be American-made.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click [here](#) for additional information from DPS on this new reporting requirement.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

DNA Testing of Evidentiary Materials

When funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS) by a government DNA lab with access to CODIS.

Interoperable Communications

Funds to support emergency communications activities must ensure compliance with the FY 2018 SAFECOM Guidance on Emergency Communications Grants; adherence to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band; and are fully coordinated with the full-time [Statewide Interoperability Coordinator \(SWIC\)](#) for Texas.

Twelve-Step Programs

Grant funds may not be used to support or directly fund programs such as the Twelve Step Program which courts have ruled are inherently religious. PSO grant funds cannot be used to support these programs, conduct meetings, or purchase related materials.

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

National Instant Background Check System (NICS)

Entities receiving funds under this solicitation that are to generate or upgrade court dispositions or other records that are relevant to National Instant Background Check System (NICS) determinations must have a system in place to ensure that all such NICS-relevant dispositions or records that are generated or upgraded are made available in timely fashion to state repositories/databases that are accessed by NICS.

Body-Worn Cameras (BWCs)

Applicant assures that if it plans to purchase body-worn cameras with grant funds, that it has adopted adequate policies and procedures related to BWC equipment usage, data storage and access, privacy considerations and training. The certification form related to BWC policies and procedures can be found [here](#).

Certification of Compliance with 8 U.S.C 1373 and 1644

Applicant assures that it complies with 8 U.S.C. § 1373 & 1644. Applicant may be required to submit written assurances and/or certifications to this effect prior to award issuance. The

Public Safety Office (PSO) will notify applicants if this becomes a requirement and provide the federally required form(s) and/or template(s).

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2022 or the end of the grant period, whichever is later.

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Please explain and describe any policies or practices your jurisdiction may have related to whether, when, or how employees may communicate with DHS or ICE. Include information on how each policy or practice complies with 8 U.S.C. 1373. Upload a copy of any written policies onto the Upload.Files Tab. Enter "N/A" below if your agency does NOT have any policies or practices regarding communication with DHS or ICE.

N/A - Signed letter of Certification of Compliance with 8 U.S.C. § 1373 & 1644 and CEO/Law Enforcement Certifications and Assurances Form have been uploaded.

Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with PSO and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Daniel Jones

Enter the Address for the Civil Rights Liaison:

126 West Main Street Fredericksburg, TX 78624

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

(830) 997-7521

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content & requirements.

Project Abstract :

The City of Fredericksburg Police Department is in need of police emergency response equipment in order to mitigate critical incidences occurring within the city limits of Fredericksburg and Gillespie County. Due to the continued increase in population and the rapidly growing tourism industry, the City of Fredericksburg has seen an increase in critical incidents involving violent individuals, individuals with weapons, or mentally ill individuals with weapons. The City of Fredericksburg is also rapidly developing, and several new subdivisions have opened or are under different stages of development. The City of Fredericksburg is also in the process of annexing additional property. Many hotels are under development or being planned to break ground in the next year. Festivals, parades, and other special events have also seen an increase in both venue size and attendance over the past few years. The increased population and tourism along with the developing subdivisions all create the potential for more critical incidents. The goal is to purchase police emergency response equipment that will give our law enforcement officers additional protection and more tools to effectively address the growing number of critical incidents.

Problem Statement :

The Fredericksburg Police Department does not have all the necessary emergency response equipment to facilitate a safe and reliable response to critical incidents involving violent individuals, individuals with weapons, or mentally ill individuals with weapons. The problem is that without this emergency response equipment the police department is not adequately equipped to properly and safely encounter and control a critical situation. In the recent past Officers have responded to and mitigated critical incidences with basic body armor or active shooter armor and no advanced Kevlar protective equipment or advanced surveillance equipment such as a drone.

Supporting Data :

The City of Fredericksburg is located in the hill country and has a population of 11,245 citizens (2019 US Census estimates) and encompasses 6.64 square miles. Fredericksburg is the county seat of Gillespie County which has a population of 26,988 citizens (2019 US Census estimates) within 1,058 square miles. Fredericksburg's economy brings more than 1.5 million visitors (Fredericksburg Visitor's Bureau) to Fredericksburg and Gillespie County each year and it is steadily increasing. Over the past three years the Fredericksburg Police

Department (FPD) was involved in several incidents involving mentally ill individuals possessing firearms and/or knives threatening to harm individuals or themselves. The FPD was involved in an incident with a mentally ill individual with a knife that attempted to commit suicide by cop but was successfully taken into custody after a less than lethal beanbag round was deployed. The FPD recently had two armed robberies at a fast-food restaurant that involved a firearm and a knife. Officers were able to apprehend the suspect but not before he pointed the firearm at an officer. The FPD also responded to a call involving an individual that was on a hill behind a bank pointing a fully automatic Uzi at bank employees and customers. The officers responded but could not approach until additional protective equipment was retrieved from the law enforcement building and brought to them. During this time the individual went out of sight and could have been tracked or located if a drone was available. When the equipment arrived, the officers were able to deal with the incident and take the individual into custody. Not only has the Fredericksburg Police Department had many critical incidents over the past several years the Gillespie County Sheriff's Office has handled many as well. All the officers handling or responding to these critical incidents could have benefited from additional protection offered by the equipment and tools the FPD is requesting in this grant.

Project Approach & Activities:

Fredericksburg is over 70 miles from downtown San Antonio and over 78 miles from downtown Austin. If a SWAT response was needed from either agency for a critical incident it would take several hours for any assistance to arrive. The Fredericksburg Police Departments current policy states that DPS SWAT would be requested first and if they were not available then San Antonio Police Department SWAT would be requested. The requested equipment in this grant would assist officers in mitigating a critical incident so SWAT did not have to be called or sustain the scene of a critical incident until a SWAT team arrived. Without the police response equipment requested within this grant the Fredericksburg Police Department is solely relying on the Officer equipped with limited equipment to encounter and deal with a critical incident. The requested equipment in this grant will help the Fredericksburg Police Department to become more self-sufficient and less reliant on the COG. It is vital for the Fredericksburg Police Department to be able to encounter, contain, and react to critical incidences within our community in order to maintain control of the incident and protect the public. It is essential for the Fredericksburg Police Department to continue to provide police services to the citizens of Fredericksburg and maintain a high level of customer service and commitment to the community.

Capacity & Capabilities:

The Fredericksburg Police Department currently has 34 commissioned peace officers. The patrol division is comprised of 22 Patrol Officers and one Patrol Lieutenant. The patrol division is divided into five shifts with four patrol officers on each shift. Four patrol shifts work 12 hour shifts and the fifth patrol shift works a 10 hour shift and is assigned to the downtown area to address the bulk of the issues related to the tourist industry. The Fredericksburg Police Department conducts training and adheres to policy as a commitment to excellence and maintenance of the agencies accreditation. The Fredericksburg Police Department is currently equipped with emergency response equipment to include 8 tactical heavy vests, 8 Kevlar helmets, less lethal impact and gas munitions, flash bangs, flash bang pole, and a break and rake tool. The police response equipment in this grant will ensure the safety of our officers responding to the critical incident calls as well as complement our current equipment and help further our capabilities. The Fredericksburg Police Department conducts training with the currently owned emergency response equipment and would incorporate the new equipment in that training.

Performance Management :

The Fredericksburg Police Department continues to see an increase in the number of critical incident calls for service. The goal of the police response equipment grant is to allow officers to safely and more effectively respond to critical incidents. The availability of this equipment in the patrol officer's unit will facilitate a more conducive and safe end to incidents involving weapons. This added protection for the patrol officer will greatly reduce the ability for a critical incident to expand and/or escalate which in return will limit the need for more Officers to become involved and limit the effect on the public. The objective of this grant is to further equip the Fredericksburg Police Department with critical incident response equipment and tools in an effort to construct a more complete and safe conclusion for everyone involved.

Target Group :

This patrol officer position will afford the Fredericksburg Police Department the ability to provide more police services to the over 11,000 citizens of Fredericksburg and the estimated 1.5 million visitors to our city each year. According to the U.S. Census Bureau, 69% of the population in Fredericksburg is white, 29% is Hispanic or Latino, 4.3% is two or more races, and 3.4% is American Indian and Alaska Native.

Evidence-Based Practices:

The Fredericksburg Police Department is accredited by the Texas Law Enforcement Best Practices Recognition program. The Fredericksburg Police Department has a written directive governing patrol operations and reporting the use of force. These written directives will produce and provide the department with the means and methods to track the critical incidents where force is presented or used. The Fredericksburg Police Department also conducts an annual analysis for the use of force which is provided to the Chief of Police and City Council.

Project Activities Information

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Law Enforcement	100.00	The police emergency response equipment will be used during critical incidents and wherever practical to facilitate a safe and reliable response to dangerous, violent, or armed individuals. This equipment will be used by the

		Fredericksburg Police Department to respond to incidents within the city limits and also within Gillespie County as needed. The police emergency response equipment will include, 22 kevlar helmets, 4 patrol shields, and 8 belts with accessories for heavy tactical vests.
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CJD Purpose Areas

PERCENT DEDICATED	PURPOSE AREA	PURPOSE AREA DESCRIPTION
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Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Equipment or technology: Individuals/ operators equipped	100
General Law Enforcement or Public Safety: Arrests resulting from grant.	0
Targeted Investigation: Criminal cases resulting in arrest.	0
Targeted Investigation: Grant-funded investigations carried out by the unit/division	0
Training or professional development: Individuals provided	0

Training or professional development: Individuals received	0
Training, professional development, or technical assistance: Hours provided	0
Training, professional development, or technical assistance: Hours received	0

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
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Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
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Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
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Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

☐ Yes
☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation,

renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Select the appropriate response:

- ☐ Yes
- ☐ No
- ☒ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

- ☐ Yes
- ☒ No
- ☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2021

Enter the End Date [mm/dd/yyyy]:

9/30/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

0

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

0

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state

grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☐ Yes
☒ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

Equal Employment Opportunity Plan Compliance

The EEOP certification information must be submitted to the Office of Civil Rights, Office of Justice Programs through their on-line [EEOP Reporting Tool](https://eeopreportingtool.ojp.gov/). For more information and guidance on how to complete and submit the federal EEOP certification information, please visit the US Department of Justice, Office of Justice Programs website at <https://ojp.gov/about/ocr/eeop.htm>.

Type I Entity

Defined as an applicant that meets one or more of the following criteria:

- has less than 50 employees;
- is a non-profit organization;
- is a medical institution;
- is an Indian tribe;
- is an educational institution, or
- is receiving a single award of less than \$25,000.

Requirements

- The applicant agency is exempt from the requirement to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42, subpart E;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP Certification information the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP.

Type II Entity

Defined as an applicant that meets the following criteria:

- has 50 or more employees, and
- is receiving a single award of \$25,000 or more, but less than \$500,000.

Requirements

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by

the proper authority;

- the EEOP is available for review by the public and employees or for review or audit by officials of OOG, OOG's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services;
- the applicant must submit EEOP information to the Office for Civil Rights (OCR) to claim the exemption from submitting an EEOP to OCR; and
- the EEOP is required to be on file with the applicant agency.

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Tammie Loth 126 West Main Street Fredericksburg TX 78624

Type III Entity

Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP information to the Office for Civil Rights (OCR).

Certification

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

- ☐ Type I Entity
☐ Type II Entity
☒ Type III Entity

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state

antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- ☒ I Certify
☐ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

FFATA Certification

Certification of Recipient Highly Compensated Officers

The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (CJD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

Select the appropriate response:

- ☐ Yes
☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

Select the appropriate response:

- ☐ Yes
☒ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly

compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

- ☐ Yes
- ☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- ☐ Yes
- ☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- ☐ Yes
- ☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- ☐ Yes
- ☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- ☐ Yes
- ☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
- ☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
- ☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- ☐ Yes
- ☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- ☐ Yes
- ☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- ☐ Yes
- ☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	Surveillance Equipment and Accessories	1 - Drone DJI Mini 2 Fly More Combo @ \$599, 1 - DJI Smart Controller @ \$749, and 1 - Drone Case @ \$79 for a total of \$1,427. This drone will allow officers to search areas that are not safe for officers to enter or areas that are unknown to officers saving life, limb, and property.	\$1,427.00	\$0.00	\$0.00	\$0.00	\$1,427.00	1
Equipment	Specialized Training Equipment (with a unit cost of more than \$5,000)	20 Helmets - Paraclete Tactical Full Cut Helmet w/ Modular Suspension System @ \$610 each for a total of \$12,200. A Kevlar helmet will be issued to each patrol officer to carry on duty and utilize when an incident dictates that it is needed.	\$12,200.00	\$0.00	\$0.00	\$0.00	\$12,200.00	20
Equipment	Specialized Training Equipment (with a unit cost of more than \$5,000)	4 - Kevlar Protect Entry Shields 1 x 3-Position 24x36 @ \$1,389.50	\$6,175.00	\$0.00	\$0.00	\$0.00	\$6,175.00	4

	cost of more than \$5,000)	each, 4 - Protect Shield Support Hook Attachment @ \$44.25 each, and 4- Protect Shield Carry Bag, Medium 34"-36" @ \$110 each for a total of \$6,175						
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Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
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Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$19,802.00	\$0.00	\$0.00	\$0.00	\$19,802.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$19,802.00	\$0.00	\$0.00	\$0.00	\$19,802.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
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You are logged in as **User Name:** bvorauer



CITY COUNCIL MEMO

DATE: February 15, 2021

TO: Mayor and City Council

FROM: Jason Lutz

SUBJECT: Z-2019 – Conditional Use Permit for Condominiums & Townhomes at the northwest intersection of Keller Crossing & S. Milam St.

Summary:

The applicant is proposing a multi-phased mixed use development to be constructed on approximately 14.6 acres of land located to the north of Keller Crossing, between Burger King and the Windcrest Townhome subdivision. The Keller Oaks Development is proposed to consist of 22 Townhomes and 32 Condominiums (Phase I & II). The project will include a Community Center as well as Professional Offices fronting on Keller Crossing. The proposed Professional Office Space will consist of 8 Office Buildings. Total building area is approximately 45,559 square feet.

The property is currently zoned Neighborhood Commercial (C-1) and medical offices are allowed, by right in the zoning district. The C-1 zoning district does allow Townhomes & Condominiums, with the approval of a Conditional Use Permit (CUP). The property is bounded to the north by the Windcrest residential development (PUD), Commercial (C-2) zoning to the south & west, and Public Facilities (PF) zoning districts to the south & east (Hospital).

The project will need to go through additional City processes before any permits can be issued. The next step will be to plat the property for the townhomes and condominiums. As part of the platting process, a variance to City regulations regarding the maximum lengths of streets that end in cul-de-sacs will need to be approved. The proposed street, Crestwood Circle, is 733' in length and the maximum for this type of street is 500'. Staff can support this variance request due to the associated topographic and safety issues. No sidewalks are proposed along the residential areas and staff is recommending that the development provide additional sidewalks to provide pedestrian access to other phases of the development. In addition to the platting process, the applicant will need to have the official site plan reviewed and approved based on conformance to City regulations. Before the site plan may be approved,

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

staff will need to work with the applicant regarding an existing home located on the property. This home is not listed on the City's inventory of Historical Structures, but due to its age, may qualify for historic protections.

Recommendation:

The Planning and Zoning Commission voted 7-0 to approve the CUP for Townhomes & Condominiums with the condition that the project provide additional sidewalks in the development.

Staff received 13 protests for the original request of multiple CUP land uses and received 5 protests on the updated CUP request for Condominiums and Townhouses.

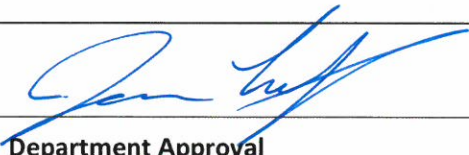
Staff recommends Approval of the Conditional Use Permit for Condominium Residential and Townhouse Residential, for Phase I & II, with the condition that additional sidewalks be constructed along the residential areas in order to provide pedestrian access to other phases of the development.

Background / Analysis:

See the attached Conditional Use Permit Brief for a summary of the existing and proposed land uses and zoning.

Attachments:

Conditional Use Permit Brief, property owner list, project plans, project summary, maps, and opposition letters.



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

P. V. McMinn, Jr.

■ **Project Planning** ■ **Design / Build** ■ **Development Services**
■ Commercial ■ Industrial ■ Multi-family ■ Select Residential
PO Box 61305, San Angelo, Texas 76906

January 28 , 2021

City of Fredericksburg - Development Review Committee (DRC)
126 W. Main St.
Fredericksburg, TX 78624

Re: Withdrawal of certain requested uses under the Conditional Use Permit Application / Keller Oaks Subdivision.

Dear Committee Members :

In a previous letter, dated December 26, 2020, I had requested some sixteen (16) various uses as listed on Page 2 & 3 of the Project Application be approved under this Application. However, after explaining our vision for the development to Committee Members during a zoom meeting held on January 13, 2020, and having the "use titles" explained as to what they refer to, it was learned that most of the requested uses are not compatible with our objective, and therefore unnecessary, and should be withdrawn from the Application.

Therefore, we respectfully request that, in addition to the "Principal Permitted Uses" as listed under Sec. 3.2 - C-1 NEIGHBORHOOD COMMERCIAL", that the following uses as listed on Page 2 & 3 of the Project Application as "may be permitted subject to a conditional Use Permit as provided for in section 5.400" be approved under this Application:

1. Townhouse Residential; and,
2. Condominium Residential (section 7.610);

Again, we look forward to our mixed-use development being a welcomed and successful addition to the beautiful city of Fredericksburg. I feel certain that our vision for this development will be well received and accomplish that goal.

We look forward to your approval of this application and joining your community.

Very truly yours,

P. V. McMinn, Jr.



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 - (830)997-7521

A. Project Information (Please complete all items)

Project Name: *Keller Oaks - A Mixed Use Development*
Project Address: *Keller Crossing @ S Milan Street, Fredericksburg, Tx 76824*
Tax ID Number (s): *Simple As Dirt Engineering 83-3233373*

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- | | | |
|--|--|--|
| ☒ Conditional Use Permit | ☐ Minor Plat* | ☐ Plat Vacation |
| ☐ Site Plan | ☐ Replat* | ☐ Annexation* |
| ☐ Zoning Change | ☐ Amending Plat* | ☐ Final Plat* |
| ☐ Land Use Plan Change | ☐ Preliminary Plat* | |

Revision of Approved Plan / Plat? ☐ Yes ☒ No Name:

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: *14.6* No. of Lots: *25*

Original Survey & Abstract No:

Legal Description: *Keller SubD Lot 1R-1, 14.25 - Homesite - Replat*

Current Land Use Plan: *Neighborhood Commercial* Proposed Land Use Plan: *Neighborhood Commercial*

Current Zoning: *C1* Proposed Zoning: *C1 w/ townhouse and*

Location: *North west and adjacent to Keller Crossing and Milan intersection*

Proposed Use(s): *townhouses, Condominiums, Commercial Retail and office*

Applicant's Signature

Applicant's Role: ☐ Owner ☐ Developer ☒ Other (note role): *Engineer*

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: *Nick Taylor*

Printed Name: *Nick Taylor* Date: *12-7-20*

Staff Use Only Application No.: _____ Date: _____

*Copy of current Title Search required with application.



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 - (830)997-7521

B. Contact Information (Please complete all items. Attach additional pages as necessary.)

I. Property Owner(s)

Firm Name (if applicable):

Owner Name: *Mary Martha Devere*

Address: *1032 S Milan St, Fredericksburg Tx 78624*

Phone: *830-733-0493* Fax: *512-342-0500* Email: *MaryKell@LEEDCGMAIL.COM*

DocuSigned by:

Mary Devere
A218054C3B-A2AAE

II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☒ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable): *Simple As Dirt Engineering*

Address: *4250 CR 260, Richland Springs, Texas 76871*

Primary Contact Name:

Phone: *325 456 4005* Fax:

Email: *nick@SA-Dirt.com*

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s): *P. V. Mc Minn Jr.*

Address: *805 N Llano, Fredericksburg, Tx 78624*

Phone: *(825) 234-9424* Fax:

Email: *pvmcminnjr@gmail.com*

IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☐ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable):

Same As Above - Simple As Dirt Engineering

Address:

Primary Contact Name:

Phone: Fax: Email:



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

C. Fee Schedule (Please attach appropriate fee to application.)

- ☒ Conditional Use Permit Application - \$400
- ☐ Site Plan Application Admin - \$300
- ☐ Site Plan Application P&Z - \$400
- ☐ Application for Zoning Change - \$400
- ☐ Application for Land Use Change - \$300
- ☐ Minor Plat - \$300
- ☐ Amending Plat - \$300
- ☐ Replat - \$300 plus \$20 per lot
- ☐ Preliminary Plat - \$400 plus \$20 per lot
- ☐ Final Plat - \$500 plus \$10 per lot

D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.

aCONDITIONAL USE PERMIT BRIEF
Request Z-2019

APPLICANT: Simple as Dirt Engineering, Nick Taylor, AIA, NCARB

LOCATION: 1032 S. Milam

EXISTING ZONING: C1 – Neighborhood Commercial

EXISTING LAND USE: Mixed Use Corridor

PROPOSED REQUEST: Conditional Use Permit for Condominium Residential and Townhouse Residential

CUP Site Plan Overview:

- The Keller Oaks Development is proposed to consist of 22 Townhomes and 32 Condominiums. The project will include a Community Center as well as Professional Offices fronting on Keller Crossing. (see proposed Site Plan).
- The proposed Professional Office Space will consist of 8 Office Buildings. Total building area is approximately 45,559 square feet.
- Access to the property is from Keller Crossing.
- 128 Residential parking spaces are proposed. 123 spaces for the Professional Office and 14 for the Community Center. (Math doesn't match)
- The site is laid out in such a way that the Residential development is separate from the Commercial.
- The surrounding zoning is OS (Open Space) to the north, C2 Commercial to the south and east, and PUD (Planned Unit Development) to the west.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- Staff would recommend that the Site Plan is conceptual at this point but appears to meet the C-1 Zoning regulations.
- Crestwood Circle (cul-de-sac street) is currently proposed to be 733' in length. In accordance with section 6.12 of the Subdivision Ordinance, the maximum cul-de-sac length shall be 500'. As currently presented, this proposal does not meet the Subdivision Ordinance requirements and a Variance would be required.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- We would expect the proposed use described by the applicant to be compatible with the surrounding residential and commercial zoning.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- We do not anticipate unfavorable effects on adjoining properties from this use.
- D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:**
- None.
- E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:**
- Drive access into this property will be on Keller Crossing The proposed uses on site are anticipated to operate with compatible operating hours. The site is designed to accommodate required parking, vehicle circulation and pedestrian circulation. Staff would like to see more interior sidewalks to accommodate a walkable development.
- F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:**
- This site has significant elevation change. Site shall comply with City of Fredericksburg requirements.
- G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:**
- Site and building lighting shall comply with City of Fredericksburg requirements. Staff is waiting on the applicant to submit a lighting plan.
- H. ADEQUACY AND CONVENIENCE OF OFF-STREET PARKING AND LOADING FACILITIES:**
- Sufficient parking is provided based on the code. Parking for the Condominiums and Townhouse complexes are separate from the parking for the Professional Office Space. Staff does not support excess parking as indicated in Phase XX. Given the sensitive hillside site, parking/paving should be kept to the minimum.
- I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:**
- Affirmative
- J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**
- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- Affirmative.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- The design of the site plan, including the locations of the buildings appear to rely heavily on removal of much of the vegetation, including several established trees. Staff is not in favor of tree removal as is currently presented. Staff has requested a more detailed Tree Survey. Staff believes that a potential clear cutting of the site would present an unfavorable impact on the neighboring properties.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- We would not expect the proposed use to have detrimental effects on the public health, safety, or welfare of properties in the vicinity.

OPPOSITION/SUPPORT OF REQUEST: This application originally included multiple CUP requests for additional land uses. Notification letters were sent out with the original request. 12 protest letters have been received to date. At this time, the applicant has removed their request for the additional land uses and is only requesting the townhome and condominium uses.

STAFF RECOMMENDATION:

Regarding the proposed CUP for Condominium Residential and Townhouse Residential. The layout of the site with Residential development to the back of the property and Professional Office space along Keller Crossing represents a compatible development solution. Staff is concerned with the proposed removal of a potentially historic building, water tank and windmill and have directed the applicant to contact the Historic Preservation Officer for an onsite meeting. The professional office building is noted as Phases III & IV. Demolition delay should not impact the first phase of the residential development.

Staff recommends Approval of the Conditional Use Permit for Condominium Residential and Townhouse Residential, for Phase I & II, with the condition that additional sidewalks be constructed along the residential areas in order to provide pedestrian access to other phases of the development.



INDEX TO DRAWINGS	
PAGE 1	COVER SHEET
PAGE 2	SUBDIVISION PLAT (_____ ENGINEERING)
PAGE 3	SITEWORK – GRADING & DRAINAGE (_____ ENGINEERING) – UTILITIES – GENERAL CONDITIONS & SPECIFICATIONS (_____ ENGINEERING)
PAGE 4	SITEWORK – PLOT PLAN & BUILDING PAD – GENERAL CONDITIONS & SPECIFICATIONS (SITEWORK)
PAGE 5	FOUNDATION PLAN – DIMENSIONED & SECTION DETAILS – GENERAL CONDITIONS & SPECIFICATIONS
PAGE 6	FOUNDATION & HARD WALL SECTION DETAILS
PAGE 7	FLOOR PLAN—DIMENSIONED – WINDOW & DOOR SCHEDULES
PAGE 8	ELEVATIONS – SOUTH & EAST ELEVATIONS – DOOR & WINDOW SCHEDULES
PAGE 9	ELEVATIONS – NORTH & WEST ELEVATIONS - FINISH SCHEDULES & SPECIFICATIONS
PAGE 10	SECTION DETAILS - STRUCTURAL - PRE-ENGINEERED METAL BUILDING – GENERAL CONDITIONS & SPECIFICATIONS
PAGE 11	SECTION DETAILS - GENERAL & SPECIFICATIONS
PAGE 12	FLOOR & ROOF FRAMING PLANS - PRE-ENGINEERED METAL BUILDING – CONVENTIONAL FRAMING PLANS - WALLS, JOISTS & RAFTERS – GENERAL CONDITIONS & SPECIFICATIONS
PAGE 13	SECTION DETAILS - MISCELLANEOUS – DOORS, WINDOWS & FLASHINGS – ROOFING & FLASHINGS
PAGE 14	MECHANICAL (_____ ENGINEERING) – HVAC EQUIPMENT & DUCT PLAN – GENERAL CONDITIONS & SPECIFICATIONS
PAGE 15	ELECTRICAL (_____ ENGINEERING) – LIGHTING & POWER PLAN – GENERAL CONDITIONS & SPECIFICATIONS
PAGE 16	PLUMBING (_____ ENGINEERING) – DRAIN, WASTE & VENT DIAGRAM – PLUMBING FIXTURE SCHEDULE – GENERAL CONDITIONS & SPECIFICATIONS

COLONNADE ONE

Class “A” Medical & Professional
Office Space
at

*The Highlands
Of Fredericksburg*

A Mixed Use Development by:
NuVista Development, LLC

DATE	DESCRIPTION

DATE	DESCRIPTION

PROJECT	COLONNADE ONE
ADDRESS	KELLER CROSSING
CITY, STATE, ZIP	FREDERICKSBURG, TEXAS 78624
CUSTOMER	

AMERICA'S COMPONENT STRUCTURES, LLC
Project Planning • Design • Build General Contractor
Commercial • Industrial • Multi-family • Hospitality • Transport Facility
P.O. Box 11105, San Antonio, Texas 78211 (210) 544-4444

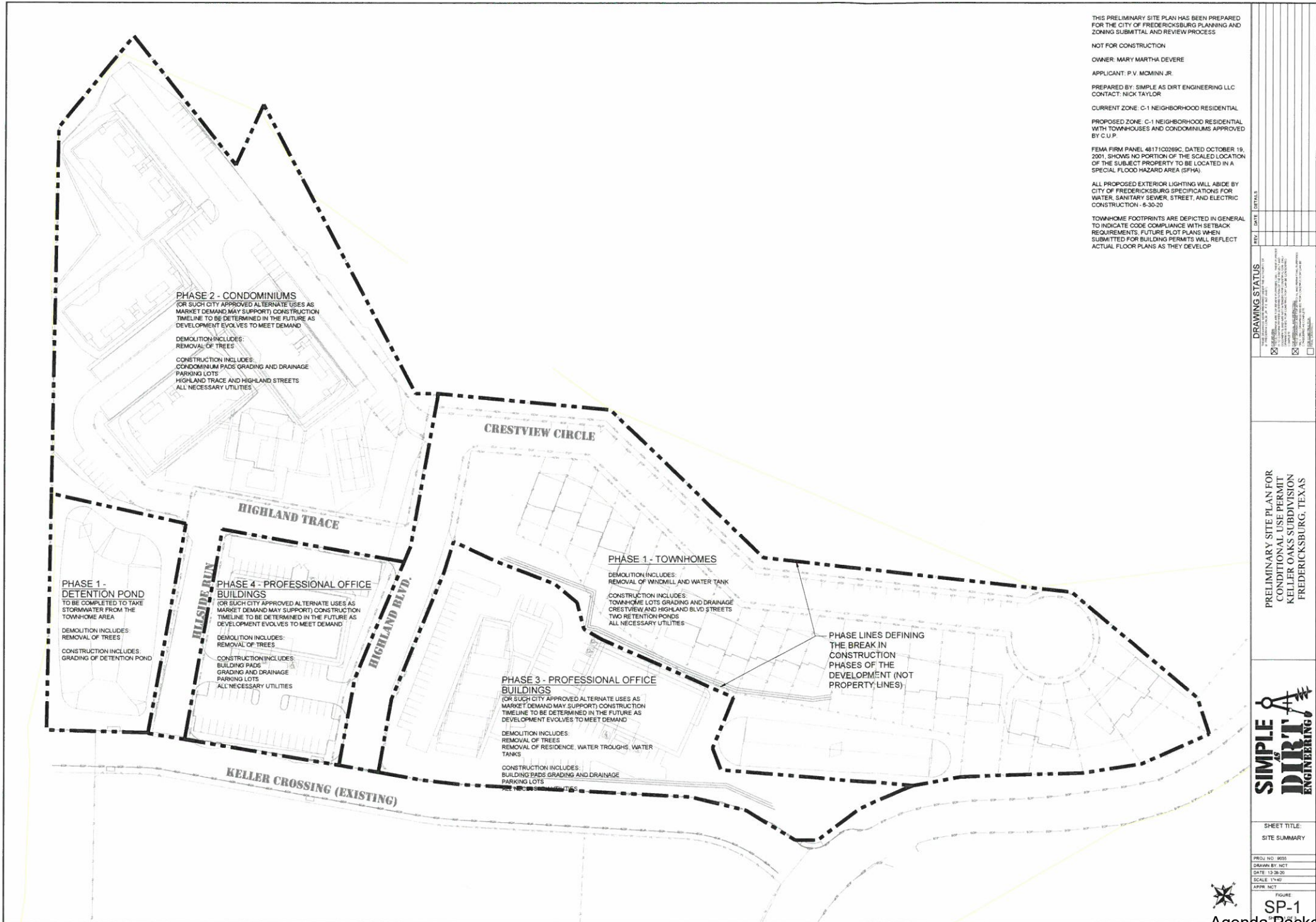


Sheet



FRONT ELEVATION— TOWNHOME (PROTOTYPE 1)





THIS PRELIMINARY SITE PLAN HAS BEEN PREPARED FOR THE CITY OF FREDERICKSBURG PLANNING AND ZONING SUBMITTAL AND REVIEW PROCESS.

NOT FOR CONSTRUCTION

OWNER: MARY MARTHA DEVERE

APPLICANT: P.V. MCINN JR.

PREPARED BY: SIMPLE AS DIRT ENGINEERING LLC
CONTACT: NICK TAYLOR

CURRENT ZONE: C-1 NEIGHBORHOOD RESIDENTIAL

PROPOSED ZONE: C-1 NEIGHBORHOOD RESIDENTIAL WITH TOWNHOUSES AND CONDOMINIUMS APPROVED BY C.U.P.

FEMA FIRM PANEL 48171C0269C, DATED OCTOBER 19, 2001, SHOWS NO PORTION OF THE SCALED LOCATION OF THE SUBJECT PROPERTY TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA (SFHA).

ALL PROPOSED EXTERIOR LIGHTING WILL ABIDE BY CITY OF FREDERICKSBURG SPECIFICATIONS FOR WATER, SANITARY SEWER, STREET, AND ELECTRIC CONSTRUCTION - 8-30-20

TOWNHOME FOOTPRINTS ARE DEPICTED IN GENERAL TO INDICATE CODE COMPLIANCE WITH SETBACK REQUIREMENTS. FUTURE PLOT PLANS WHEN SUBMITTED FOR BUILDING PERMITS WILL REFLECT ACTUAL FLOOR PLANS AS THEY DEVELOP

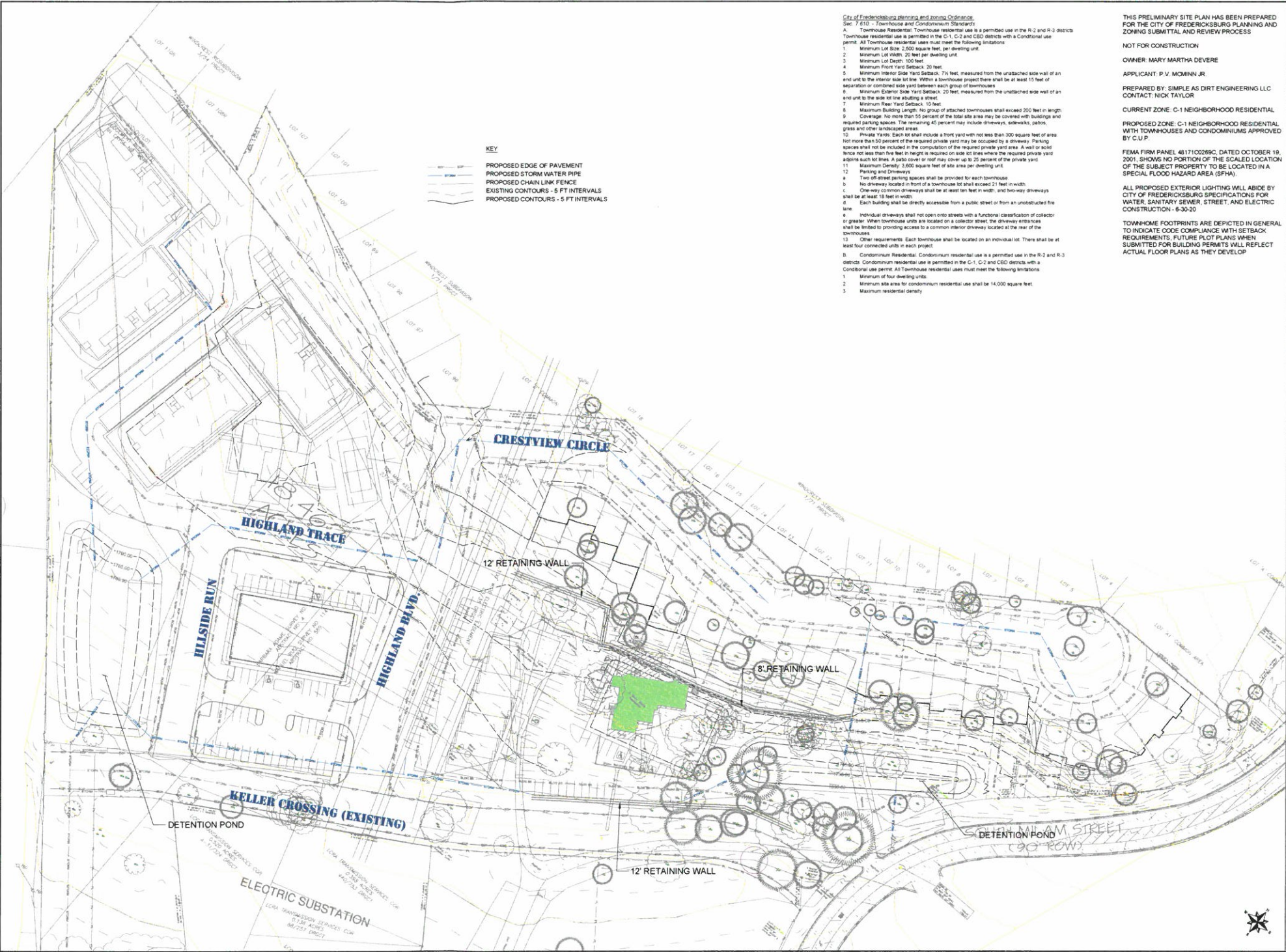
REV.	DATE	DETAILS
1	12/28/20	PRELIMINARY SITE PLAN FOR CONDITIONAL USE PERMIT
2	12/28/20	KELLER OAKS SUBDIVISION
3	12/28/20	FREDERICKSBURG, TEXAS

PRELIMINARY SITE PLAN FOR
CONDITIONAL USE PERMIT
KELLER OAKS SUBDIVISION
FREDERICKSBURG, TEXAS



SHEET TITLE: SITE SUMMARY
PROJ. NO. 8035
DRAWN BY: NCT
DATE: 12/28/20
SCALE: 1"=40'
APPR: NCT
FIGURE SP-1

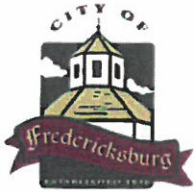




City of Fredericksburg Planning and Zoning Ordinance
Sec. 7.610 - Townhouse and Condominium Standards
A. Townhouse Residential. Townhouse residential use is a permitted use in the R-2 and R-3 districts.
Townhouse residential use is permitted in the C-1, C-2 and CBD districts with a Conditional use permit. All Townhouse residential uses must meet the following limitations:
1. Minimum Lot Size: 2,500 square feet, per dwelling unit.
2. Minimum Lot Width: 20 feet, per dwelling unit.
3. Minimum Lot Depth: 100 feet.
4. Minimum Front Yard Setback: 20 feet.
5. Minimum Interior Side Yard Setback: 75 feet, measured from the unattached side wall of an end unit to the interior side lot line. Within a townhouse project there shall be at least 10 feet of separation or combined side and between each group of townhouses.
6. Minimum Exterior Side Yard Setback: 20 feet, measured from the unattached side wall of an end unit to the side lot line abutting a street.
7. Minimum Rear Yard Setback: 10 feet.
8. Maximum Building Length: No group of attached townhouses shall exceed 200 feet in length.
9. Coverage: No more than 50 percent of the total site area may be covered with buildings and required parking spaces. The remaining 45 percent may include driveways, sidewalks, patios, grass and other landscaped areas.
10. Private Yards: Each lot shall include a front yard with not less than 300 square feet of area not more than 50 percent of the required private yard may be occupied by a driveway. Parking spaces shall not be included in the computation of the required private yard area. A wall or solid fence not less than five feet in height is required on side lot lines where the required private yard abuts such lot lines. A patio cover or roof may cover up to 20 percent of the private yard.
11. Maximum Density: 3,000 square feet of site area per dwelling unit.
12. Parking and Driveways:
a. Two off-street parking spaces shall be provided for each townhouse.
b. No driveway located in front of a townhouse lot shall exceed 21 feet in width.
c. One-way common driveways shall be at least ten feet in width, and two-way driveways shall be at least 18 feet in width.
d. Each building shall be directly accessible from a public street or from an unobstructed fire lane.
e. Individual driveways shall not open onto streets with a functional classification of collector or greater. When townhouse units are located on a collector street, the driveway entrances shall be limited to providing access to a common interior driveway located at the rear of the townhouses.
13. Other requirements: Each townhouse shall be located on an individual lot. There shall be at least four connected units in each project.
B. Condominium Residential. Condominium residential use is a permitted use in the R-2 and R-3 districts. Condominium residential use is permitted in the C-1, C-2 and CBD districts with a Conditional use permit. All Townhouse residential uses must meet the following limitations:
1. Minimum of four dwelling units.
2. Minimum site area for condominium residential use shall be 14,000 square feet.
3. Maximum residential density.

THIS PRELIMINARY SITE PLAN HAS BEEN PREPARED FOR THE CITY OF FREDERICKSBURG PLANNING AND ZONING SUBMITTAL AND REVIEW PROCESS.
NOT FOR CONSTRUCTION
OWNER: MARY MARTHA DEVERE
APPLICANT: P.V. MCINN JR.
PREPARED BY: SIMPLE AS DIRT ENGINEERING LLC
CONTACT: NICK TAYLOR
CURRENT ZONE: C-1 NEIGHBORHOOD RESIDENTIAL
PROPOSED ZONE: C-1 NEIGHBORHOOD RESIDENTIAL WITH TOWNHOUSES AND CONDOMINIUMS APPROVED BY C.U.P.
FEMA FIRM PANEL 48171C0269C, DATED OCTOBER 19, 2001, SHOWS NO PORTION OF THE SCALED LOCATION OF THE SUBJECT PROPERTY TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA (SFHA).
ALL PROPOSED EXTERIOR LIGHTING WILL ABIDE BY CITY OF FREDERICKSBURG SPECIFICATIONS FOR WATER, SANITARY SEWER, STREET, AND ELECTRIC CONSTRUCTION - 6-30-20
TOWNHOME FOOTPRINTS ARE DEPICTED IN GENERAL TO INDICATE CODE COMPLIANCE WITH SETBACK REQUIREMENTS, FUTURE PLOT PLANS WHEN SUBMITTED FOR BUILDING PERMITS WILL REFLECT ACTUAL FLOOR PLANS AS THEY DEVELOP.

DRAWING STATUS		DATE	DETAILS
DESIGNED	BY: NCT		
CHECKED	BY: NCT		
APPROVED	BY: NCT		
PRELIMINARY SITE PLAN FOR CONDITIONAL USE PERMIT KELLER OAKS SUBDIVISION FREDERICKSBURG, TEXAS			
SIMPLE AS DIRT ENGINEERING			
SHEET TITLE GRADING AND DRAINAGE - PRELIMINARY PLAN FOR C.U.P.			
PROJ. NO. 2025			
DRAWN BY: NCT			
DATE: 12-28-20			
SCALE: 1"=40'			
APPR. NCT			
FIGURE SP-2 SHEET 1 OF 3			



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: FEBRUARY 3, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on January 6, 2021, at 5:30 PM. Due to the COVID-19 Pandemic, the Planning and Zoning Commission meeting will be held via Zoom and in person. Members of the public may attend using one of the following methods:

Via Zoom

Computer

Join from a PC, Mac, iPad, iPhone, or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/81162941565?pwd=U3BGRUhlTLZ5SDV0OFNVYVdtemMzUT09>

Passcode: 064765

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 811 6294 1565

International numbers available: <https://us02web.zoom.us/j/kd31k24YIW>

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**.

The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING

DATE: FEBRUARY 15, 2021

TIME: 6:00 PM

REQUEST

NUMBER: Z-2019

Via Zoom

Information for Zoom log in may be found at the following link:

[Fredericksburg, TX - Official Website \(fbgtx.org\)](https://www.fbgtx.org)

For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: CONDOMINIUM RESIDENTIAL AND TOWNHOUSE RESIDENTIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I (**Protest**)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Printed Name

Date

Address


Edward J. Nookley

2/4/2021

401 Summit Circle

From: [Rhonda Gross](#)
To: [Shelby Collier](#)
Cc: [Jerry Gross](#)
Subject: Protest for tonight's meeting
Date: Wednesday, February 3, 2021 12:26:04 PM

scollier@fbgtx.org

Attn: Shelby Collier - 830-990-2013

Please print and add to Objections and Protests for the proposed Conditional Use Permit at 1032 S. Milam Street

I am emailing on behalf of my inlaws Gerald and Tomalta Gross, located at 485 Summit Circle. Their property is within 200' of the proposed condo/townhome complex located at 1032 N Milam St.

We are protesting the Conditional Use Permit, request number Z-2019.

As a property owner within 200' of this zoning amendment, we would like all factors to be considered. The risks associated with approval of this zoning request are significant.

The roads and highways are not substantial enough to be congested any more than they already are. Current assessment of the roads is not an accurate assessment, as there is greatly reduced traffic during this time of pandemic. When schools and hospitals return to regular function and traffic, it will create a grid lock during certain times of the day, potentially affecting the ability of the hospital emergency department to be able to respond with expediency.

Also, creating more traffic and risk for the high school students and their ability to be able to travel to and from the high school without increased risk due to congested high traffic areas that are not able to handle the proposed high occupancy condominium project. During normal traffic, Milam at the Hwy 16 late is often backed up well past Windcrest Street. Further congestion of this area would result in higher risk of vehicle wrecks.

Additionally, this for profit complex (a profit to others) would greatly affect and reduce the value to the properties near it and above it, as it affects the views and environment that was originally established.

There is also the question of the existing homes on the hill above the proposed complex. Would the stability of the homes be compromised with the significant removal of the trees and ground below it? Has this been addressed?

A high occupancy condominium complex in this proposed location will create a safety hazard on many levels, primarily on the highways near our essential services that serve our community. Compromising these health and educational services reduces the quality of our community.

Also, after visiting with other residents in this area, there are reports of residents not receiving the notification of this zoning proposal.

Respectfully,

Gerald D. Gross, Sr.
Tomalta Gross
Gerald Gross
Rhonda Gross

485 Summit Circle

Fredericksburg, Texas 78624

For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: CONDOMINIUM RESIDENTIAL AND TOWNHOUSE RESIDENTIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because: Limited visibility around curve, Access to Emergency Room entrance (possible loss of life), Noise, Erosion, Property Value loss, Security Issues, Added traffic on school days (student safety)

Joseph B Hannon Peggy Hannon
Signed

2/1/2021
Date

Joseph Hannon Peggy Hannon
Printed Name

474 Summit Circle
Address



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on January 6, 2021, at 5:30 PM. Due to the COVID-19 Pandemic, the Planning and Zoning Commission meeting will be held via Zoom and in person. Members of the public may attend using one of the following methods:

Via Zoom

Computer

Join from a PC, Mac, iPad, iPhone, or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/81162941565?pwd=U3BGRUhlTLZ5SDV0OFNVYVdtemMzUT09>

Passcode: 064765

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

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HEARING

DATE: JANUARY 19, 2021

TIME: 6:00 PM

REQUEST

NUMBER: Z-2019

Via Zoom

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Message Monday 28th
Message Tuesday 29th

For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: ARTS & CRAFTS, BUILDING SUPPORT SERVICES, CLUB OR LODGE, COMMUNICATION SERVICES, CONDOMINIUM RESIDENTIAL, CONVENIENCE STORAGE, FOOD SALES, LAUNDRY SERVICES, LIMITED RETAIL SERVICES, LIQUOR SALES, PERSONL IMPROVEMENT SERVICES, PET SERVICES, RESTAURANT – LIMITED AND TOWNHOUSE RESIDNETIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I ~~(Protest)~~ (Approve) the requested zoning amendment represented by the above file number because:

Margaret Dooley
Signed

Margaret Dooley
Printed Name

Dec 27, 2020
Date

459 Summit Circle
Address Flg. TX. 78624



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

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APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: ARTS & CRAFTS, BUILDING SUPPORT SERVICES, CLUB OR LODGE, COMMUNICATION SERVICES, CONDOMINIUM RESIDENTIAL, CONVENIENCE STORAGE, FOOD SALES, LAUNDRY SERVICES, LIMITED RETAIL SERVICES, LIQUOR SALES, PERSONL IMPROVEMENT SERVICES, PET SERVICES, RESTAURANT – LIMITED AND TOWNHOUSE RESIDNETIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because: (see Attached)


Signed

12/29/2020
Date

Charles L. QUENDRY, successor
Printed Name TRUSTEE

447 Summit Circle
Address

The applicant should be denied. The proposed zoning gives unrestricted permission for the establishment of any type of business regardless of potential harmful effects to adjacent existing property owners. There is no assurance whatsoever that the proposed development will not be a detriment to those affected by the re-zoning. The rights of existing homeowners should be given the utmost consideration.

Charles L. Quigley
Charles L. Quigley
SUCCESSOR TRUSTEE



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

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APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

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REQUEST NO. Z-2019

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because: (See Attached)


Signed

Charles L. QUINDRY
Printed Name

12/29/2020
Date

469 Summit Circle
Address

The requested zoning amendment would give the applicant or successors almost unlimited authority to establish any type of business in the affected area. With such authority 24 hour retail business establishments could create 24 hour noise for all homeowners adjacent to this property. There would be no restrictions on short term residential rentals which can also create continuous nuisances. This is a very bad idea with no consideration for existing owners of adjacent residential property.

Charles L. Z...
469 Summit Circle



**NOTICE OF PUBLIC HEARING FOR
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HEARING

DATE: JANUARY 6, 2021

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APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

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REQUEST NO. Z-2019

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because: *Limited visibility around curve, Access to Emergency Room entrance (possible loss of life), Noise, Erosion, Property Value loss, Security issues, Added traffic on school days (student safety)*

Joseph B. Hannon
Signed

Peggy Hannon

12/30/2020
Date

Joseph Hannon
Printed Name

Peggy Hannon

474 Summit Circle
Address



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

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APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

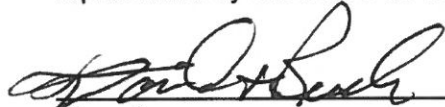
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REQUEST NO. Z-2019

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because:


Signed

12-29-2020
Date

DAVID T. & BARBARA A. RUSH
Printed Name

471 + 475 SUMMIT CIRCLE
Address

1. That structures not be built which would obstruct our view.
2. If you plan to retain a greenbelt at the back of the structures that are built, we would appreciate that any cedar trees be topped off (preferably removed for both of us have cedar fever every year). You probably wish to retain large oak trees, if possible.
3. Retaining walls at the rear of our two properties should not be damaged.



**NOTICE OF PUBLIC HEARING FOR
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*I sold the property at 491 Summit Circle
Winderest Dr. last May to Buddy Frost.
Please contact him. Joan Bigden*

For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

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REQUEST NO. Z-2019

As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Date

Printed Name

Address

City of Fredericksburg,
126 W. Main St,
Fredericksburg, TX 78624

Reference: P & Z Request # Z-2019

Attached is my Protest in reference to the above request.

The project planners are asking for "overall " Conditional Use Permit for ALL planned phase at one time.

Plans not only include residential building but also commercial request which can include any of 16 items listed in Section 5.4

From review of the plans present laid out, Each phase should be submitted to the P & Z individually with the impact on the surrounding neighborhoods and area.

I TOTALLY PROTEST THIS PHASED PROJECT TO BE OBTRUSIVE AND SET TO INCREASE TRAFFIC, NOISE AND OBNOXIOUS IMPACT ON OUR AREA.... CLOSE TO OUR COMMUNITY AND SCHOOLS AND HOSPITALS.

JERRY & SHARON SMITH
564 WINDING WAY
FREDERICKSBURG, TEXAS

For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

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REQUEST NO. Z-2019

As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Printed Name

Date

Address

Jerry Don Smith / wife
JERRY DON SMITH
JOAN SHARON SMITH

12/28/20
564 Winding Way



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on January 6, 2021, at 5:30 PM. Due to the COVID-19 Pandemic, the Planning and Zoning Commission meeting will be held via Zoom and in person. Members of the public may attend using one of the following methods:

Via Zoom

Computer

Join from a PC, Mac, iPad, iPhone, or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/81162941565?pwd=U3BGRUhlTLZ2Z5SDV0OFNVYVdtemMzUT09>

Passcode: 064765

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 811 6294 1565

International numbers available: <https://us02web.zoom.us/j/kd31k24YIW>

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**.

The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING

DATE: JANUARY 19, 2021

TIME: 6:00 PM

REQUEST

NUMBER: Z-2019

Via Zoom

Information for Zoom log in may be found at the following link:

[Fredericksburg, TX - Official Website \(fbgtx.org\)](https://www.fbgtx.org/)



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

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For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: ARTS & CRAFTS, BUILDING SUPPORT SERVICES, CLUB OR LODGE, COMMUNICATION SERVICES, CONDOMINIUM RESIDENTIAL, CONVENIENCE STORAGE, FOOD SALES, LAUNDRY SERVICES, LIMITED RETAIL SERVICES, LIQUOR SALES, PERSONL IMPROVEMENT SERVICES, PET SERVICES, RESTAURANT – LIMITED AND TOWNHOUSE RESIDNETIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I (Protest) the requested zoning amendment represented by the above file number because:

IT WILL RESULT IN A CONCENTRATION OF COMMERCIAL ENTITIES & HOUSING LOCATED IN AN ALREADY CONTESTED AREA. IT WILL DE-VALUE HOMES IN THE AREA. IT WILL

Signed

Hugh H. Fuller

Printed Name

HUGH H. FULLER

Date

12/29/20
540 WINDING WAY CT.
FREDERICKSBURG, TX

Address

78624

LEAD TO TRAFFIC CONGESTION THAT IS PRESENTLY TAKING EXISTING ROADWAYS. FINALLY, IT WILL BE AN UNSIGHTLY MESS, PLACED BEHIND ALLEN KELLER'S "MARSHALING" YARD & THE HOMES ABOVE IT ON WINDCREST. NOT AN ATTRACTIVE ADDITION TO THE SHIB ENTRANCE TO FREDERICKSBURG.



**NOTICE OF PUBLIC HEARING FOR
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APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

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REQUEST NO. Z-2019

As an interested property owner, I (Protest)(~~Approve~~) the requested zoning amendment represented by the above file number because:

Too close to a quiet residential area, just above.

Signed

Printed Name

Date

Address

[Signature]

BEN TERO

12-10-2020

470 Summit Circle



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

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HEARING

DATE: JANUARY 19, 2021

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REQUEST

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For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: ARTS & CRAFTS, BUILDING SUPPORT SERVICES, CLUB OR LODGE, COMMUNICATION SERVICES, CONDOMINIUM RESIDENTIAL, CONVENIENCE STORAGE, FOOD SALES, LAUNDRY SERVICES, LIMITED RETAIL SERVICES, LIQUOR SALES, PERSONL IMPROVEMENT SERVICES, PET SERVICES, RESTAURANT – LIMITED AND TOWNHOUSE RESIDNETIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because:

Signed

Ann I. Hoch

Printed Name

Ann I. Hoch

Date

12-30-2020

Address

473 Summit Circle

see attached

Ann I. Hoch, Ph.D.
473 Summit Circle
Fredericksburg, Texas 78624

December 30, 2020

To: The Members of the Planning and Zoning Commission of the City of Fredericksburg

I am writing to protest the change in zoning along S. Milam Street. It is appalling to me that a request for rezoning can lack specificity for land use. I oppose any change of zoning that is not single-story residential units for the following reasons:

- South Milam separates the community hospital from residential communities and should not be used for commercial businesses.
- Commercial development would add to traffic from the hospital, high school and residential developments off West Windcrest, and the roadways and intersections can barely accommodate the traffic during commuting hours.
- The configuration of the property would prohibit adequate parking for commercial businesses.
- Needed excavation of the land could cause potential damage to the Windcrest Townhomes and to the retaining wall on the property.
- The land buffer off of Milam is a haven for wildlife like deer, fox, a variety of birds including road runners. The city needs to address protected areas for wildlife.

I do not understand how the Commission can make an appropriate decision without specificity of development plans, and I do not see a well-conceived proposal in what has been sent to us. I am opposed to the rezoning to the property.

Sincerely,



Ann I. Hoch, Ph.D.

Marlene J. Pylate
532 Winding Way Court
Fredericksburg, Texas 78624

830.997.8566, mobile 830.459.5291

December 28, 2020

City of Fredericksburg
126 W. Main Street
Fredericksburg, TX 78624

Attn: Development Services

RE: Request Number Z-2019

To Whom It May Concern:

We hereby protest the requested zoning amendment as referenced above, Z-2019.

After viewing the site plan for the development it is apparent the proposed usage is not suitable for Fredericksburg or the surrounding neighborhood. The conditional use permit makes it possible for the developer to include any and all 16 uses as listed in Section 5.400 of the zoning ordinance. We don't want to look like cities that have no zoning at all!

The permit would also allow the developer to significantly change the surrounding neighborhood traffic flow, noise and beauty of the area.

To reiterate, we protest the requested zoning amendment.

Respectfully submitted,


Patrick W. Pylate


Marlene J. Pylate



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: JANUARY 6, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

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HEARING

DATE: JANUARY 19, 2021

TIME: 6:00 PM

REQUEST

NUMBER: Z-2019

Via Zoom

Information for Zoom log in may be found at the following link:

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For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

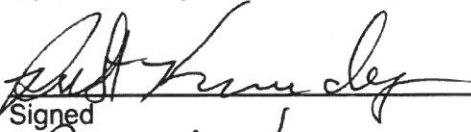
(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: ARTS & CRAFTS, BUILDING SUPPORT SERVICES, CLUB OR LODGE, COMMUNICATION SERVICES, CONDOMINIUM RESIDENTIAL, CONVENIENCE STORAGE, FOOD SALES, LAUNDRY SERVICES, LIMITED RETAIL SERVICES, LIQUOR SALES, PERSONL IMPROVEMENT SERVICES, PET SERVICES, RESTAURANT – LIMITED AND TOWNHOUSE RESIDNETIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I ☒ (Protest) ☒ (Approve) the requested zoning amendment represented by the above file number because:


Signed

ROBERT KENNEDY
Printed Name

See Attached

12/30/2020
Date
534 Winding
WAY CT.
Address

Planning & Zoning Commission
Request # Z-2019
December 30, 2020

Members of the Commission:

I am a relatively new homeowner in the Windcrest Subdivision of Fredericksburg, Texas. As we were looking for our new home in Fredericksburg, we were fortunate to find just the right location which we believe would be quite and with little traffic to disturb us in the future.

We have reviewed the zoning request of Nick Taylor with Simple as Dirt Engineering finding the following reasons to Protest the Request:

1. It is unclear from this request what would be completed on the Site.
2. It is hard for me to believe that the City of Fredericksburg would issue such an all-inclusive zone request, i.e., a zone for so many varied businesses.
3. We are concerned that such a zone would not enhance the value of the property in this area.
4. We are concerned as to the traffic pattern and noise level created by these businesses.

Thank you for considering our concerns for the location.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Kennedy", with a long, sweeping horizontal line extending to the right.

Robert Kennedy
534 Winding Way CT
Fredericksburg, Texas 78624



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

DATE: FEBRUARY 3, 2021

TIME: 5:30 PM

REQUEST

NUMBER: Z-2019

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Webinar ID: 811 6294 1565

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The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING

DATE: FEBRUARY 15, 2021

TIME: 6:00 PM

REQUEST

NUMBER: Z-2019

Via Zoom

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For additional information, contact Development Coordinator, Shelby Collier at 830-990-2013.

APPLICANT: NICK TAYLOR WITH SIMPLE AS DIRT ENGINEERING

LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

CONSIDER A CONDITIONAL USE PERMIT PER SECTION 5.400 OF THE ZONING ORDINANCE FOR THE FOLLOWING USES: CONDOMINIUM RESIDENTIAL AND TOWNHOUSE RESIDENTIAL ON A C1, NEIGHBORHOOD COMMERCIAL ZONED PROPERTY, APPROXIMATELY 14.6 ACRES LOCATED ON THE NORTH SIDE OF KELLER CROSSING DRIVE AND SOUTH MILAM STREET.

REQUEST NO. Z-2019

As an interested property owner, I (~~Protest~~)(Approve) the requested zoning amendment represented by the above file number because:

Charles C. Schmidt
Signed

Charles C. Schmidt
Printed Name

1/29/2021
Date

489 Sammit
Address
Circle
Fredericksburg
TX
78624

Marlene J. Pylate
532 Winding Way Court
Fredericksburg, Texas 78624

[REDACTED]
830.997.8566, mobile 830.459.5291

January 29, 2021

City of Fredericksburg
126 W. Main Street
Fredericksburg, TX 78624

Attn: Development Services

RE: Request Number Z-2019

To Whom It May Concern:

We hereby protest the requested zoning amendment as referenced above, Z-2019.

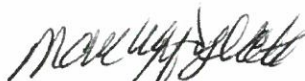
After viewing the altered site plan for the development—Townhouses Residential and Condominiums Residential—it is apparent the proposed usage is not suitable for the area as it overlooks a construction company, electricity substation, fast food restaurant and bank. Not a desirable view for residential use.

The current plan would also allow the developer to significantly change the surrounding neighborhood traffic flow, noise and beauty of the area. Streets and parking spaces are situation too close to the adjourning property boundary.

To reiterate, we protest the requested zoning amendment.

Respectfully submitted,


Patrick W. Pylate


Marlene J. Pylate



**NOTICE OF PUBLIC HEARING FOR
A CONDITINOAL USE PERMIT**

HEARING

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LOCATION: 1032 S. MILAM STREET

(see accompanying map)

REQUEST:

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REQUEST NO. Z-2019

As an interested property owner, I (~~Protest~~ Approve) the requested zoning amendment represented by the above file number because: TOWNHOUSE CONDOMINIUM OR RETAIL DEVELOPMENT MAKES LITTLE FINANCIAL OR ESTHETIC SENSE. IT WILL HARM THE VALUE OF EXISTING HOMES IN THE WINDCREST SUBDIVISION.

Hugh H. Fuller
Signed

HUGH H. FULLER
Printed Name

1/29/21
Date

540 WINDING WAY COURT
FREDERICKSBURG, TX 77624
Address

AND WILL THEREFORE REDUCE PROPERTY TAXES, AT THE TOWN'S EXPENSE. ③ FURTHER, THE CONCEPT IS FLAWED; WHO WOULD PURCHASE A DWELLING FRONTING ON SH 16, WITH A VIEW OF "WHAT A BURGER", "THE "MARSHALLING YARD" OF ALLEN KELLER CONSTRUCTION, THE BANK BLDG AND WHATEVER OTHER COMMERCIAL INSTALLATIONS THAT MAY BE PLANNED FOR SH 16. ④ THE PROPOSED DWELLINGS WILL BE FLANKED BY THE EXISTING ELECTRICAL SUBSTATION AND RADIO TOWER. ⑤ FINALLY, THE CRAMMED COMBINATION OF DWELLINGS AND COMMERCIAL PROPERTIES WILL LIKELY BE AN EYESORE, MARRING THIS ENTRANCE TO FREDERICKSBURG.

*NOT TO MENTION THE PRESENCE OF WHAT I UNDERSTAND TO BE A "PROTECTED OLDER HOME" AND ANY RESULTING ZONING ISSUES THAT MIGHT ARISE FROM ITS PRESENCE.

REQUEST NO. Z-2019

As an interested property owner, I ~~(Protest)~~ (Approve) the requested zoning amendment represented by the above file number because: *It backs up to a residential neighborhood and should be residential only zoning.*

Molly A. Spencer

Signed

12/30/20

Date

Molly A. Spencer

Printed Name

477 Summit Circle

Address

From: [Marlene Pylate](#)
To: [Shelby Collier](#)
Subject: Meeting
Date: Wednesday, February 3, 2021 6:44:40 PM

Just heard the response re a meeting with HOA. Windcrest Patio Homes Association was not included in a meeting with the developer. I was never involved as the president of the Windcrest Patio Homes Association. We NEVER put our blessing on this project!

Thank you. Marlene

Marlene Pylate, Executive District Manager
Arbonne International
830 997 8566
830 459 5291




CITY COUNCIL MEMO

DATE: February 9, 2021
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Art Guild Lease

Summary:

The current lease with the Art Guild for the building located at 308 East Austin Street expires at the end of February.

Recommendation:

It is recommended that the current lease agreement be amended to extend this lease subject to an increase in the monthly lease payment

Background / Analysis:

The City has a current lease agreement with the Art Guild for the building at 308 East Austin Street at the rate of \$600 a month that expires at the end of February. The Art Guild has recently requested that this lease be extended. Due to the possibility that the City will need this building for future office space, a long-term lease is not recommended. Instead the proposed lease amendment that is attached provides for a lease of one year with a one-year extension. The lease amendment also provides an increase in the current monthly payment from \$600 to \$700 for the first year and an increase to \$750 the second year. This appears to be a fair and reasonable lease rate based upon other leases in this area.

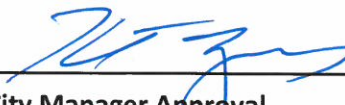
Attachments:

The City of Fredericksburg

Current Lease Agreement with Art Guild
Proposed New Lease Agreement with Art Guild



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

FIRST AMENDMENT TO
LEASE AGREEMENT
for the
FREDERICKSBURG ART GUILD BUILDING

WHEREAS, the Fredericksburg Art Guild (“Lessee”) and the City of Fredericksburg, Texas (“Lessor”) entered into a Lease Agreement for the Fredericksburg Art Guild Building (“Lease Agreement”) commencing on March 1, 2019, related to the occupancy of the building located at 308 East Austin Street; and

WHEREAS, the Lessor and Lessee desire to enter into this First Amendment to the Lease Agreement (“First Amendment”), to extend the term of occupancy.

NOW, THEREFORE, in consideration of the mutual agreements set forth in the Lease Agreement and this First Amendment, and other good and valuable consideration, the receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. Section 1.01 of the Lease Agreement is hereby amended by the deletion of the last paragraph in that Section 1.01, and inserting the following text to replace the deleted paragraph:

The Leased Premises are to be used by Lessee as an art studio, art gallery and/or office space related to the art studio and/or art gallery, for the term commencing on March 1, 2019, and ending on February 28, 2022 (“Initial Term”), unless sooner terminated, as hereinafter provided. At the end of the Initial Term, the Lessee may renew the Lease Agreement for one renewal term of 12 months, said renewal term commencing on March 1, 2022, and ending on February 28, 2023, to be exercised by Lessee giving written notice to Lessor not less than sixty (60) days prior to the expiration of the Initial Term. The renewal term shall be at the rental rate of a monthly rent payment of SEVEN HUNDRED AND FIFTY and NO/100 (\$750.00) DOLLARS, due on or before the 10th calendar day of each month, and otherwise upon the same covenants, conditions and provisions as provided in this Lease.

2. Section 2.01 of the Lease Agreement is hereby amended by the addition of Section 2.01(c), to read as follows:

c. for the third twelve months of the term, from March 2021 through February 2022, a monthly rent payment of SEVEN HUNDRED AND NO/100 (\$700.00) DOLLARS, due on or before the 10th calendar day of each month.

3. All terms referred to and not defined herein shall have the meaning ascribed to them under the Lease Agreement. This First Amendment shall become effective upon execution by both parties.
4. In the event of any inconsistency or conflict between the provisions of this First Amendment and those of the Lease Agreement, this First Amendment shall prevail. Except as specifically amended by this First Amendment, the Lease Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, each of the parties hereto has executed this First Amendment, or caused the same to be executed by its duly authorized representative.

Fredericksburg Art Guild ("Lessee")

By: _____ Date: _____

Printed Name and Title: _____

City of Fredericksburg, Texas ("Lessor")

By: _____ Date: _____

Kent Myers, City Manager

LEASE AGREEMENT
for the
FREDERICKSBURG ART GUILD BUILDING

This Lease Agreement is made and entered into this 1st day of March, 2019, at Fredericksburg, Gillespie County, Texas, by and between the City of Fredericksburg, Texas ("Lessor"), and the Fredericksburg Art Guild ("Lessee"), a Texas non-profit corporation.

ARTICLE 1. DEMISE, DESCRIPTION, USE AND TERM

1.01. Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, that certain property situated in the City of Fredericksburg, Gillespie County, Texas, located at 308 East Austin Street (the "Leased Premises"), and described as follows:

The building located on 0.446 acre of land, more or less, situated in the City of Fredericksburg, Gillespie County, Texas, being part of Townlot No. 75 as said Townlot is shown on the map of Fredericksburg, Texas, by the German Emigration Company; said 0.446 acre tract of land is described by metes and bounds on Exhibit "A", attached hereto and made a part hereof; together with the right of ingress and egress to such building, and together with Lessor, the reasonable use of the grounds around the building.

The Leased Premises are to be used by Lessee as an art studio, art gallery and/or office space related to the art studio and/or art gallery, for the term commencing on March 1, 2019, and ending on February 28, 2021, unless sooner terminated, as hereinafter provided.

ARTICLE 2. RENT

General Rent

2.01. Lessee agrees to and shall pay to Lessor, at 126 W. Main Street, Fredericksburg, Gillespie County, Texas, or at such other place as the Lessor shall designate from time to time in writing, as rent for the Leased Premises, a monthly rent payment as follows:

a. for the first twelve months of the term, from March 2019 through February 2020, a monthly rent payment of FIVE HUNDRED and FIFTY AND NO/100 (\$550.00) DOLLARS, due on or before the 10th calendar day of each month; and

b. for the second twelve months of the term, from March 2020 through

February 2021, a monthly rent payment of SIX HUNDRED AND NO/100 (\$600.00) DOLLARS, due on or before the 10th calendar day of each month.

2.02. Lessee agrees that Lessee shall pay to Lessor a late charge of five (5.0%) percent of the past due amount for each installment of rent which is not actually received by Lessor within five (5) calendar days of the due date.

ARTICLE 3. HOLDOVER

3.01. If Lessee, holds over and continues in possession of the Leased Premises after expiration of the term of this lease or any extension of that term, Lessee will be deemed to be occupying the premises on the basis of a month-to-month tenancy, subject to all of the terms and conditions of this lease.

ARTICLE 4. TAXES AND ASSESSMENTS

4.01. Lessee shall pay and discharge all taxes, general and special assessments, and other charges of every description if any which during the term of this lease may be levied on or assessed against the portion of the Leased Premises actually occupied by Lessee which shall not include the area used by adjacent property as a parking lot and all interests therein, any of Lessee's personal property and all improvements and other property thereon.

ARTICLE 5. INSURANCE

5.01. Lessor shall provide no insurance which shall benefit Lessee, including general public liability insurance, including tort coverage, insurance against theft, destruction of Lessee's contents, fixtures or works. **LESSOR SHALL NOT BE LIABLE TO LESSEE OR ANY OF LESSEE'S GUESTS, INVITEES, MEMBERS OR THE LIKE FOR ANY OF SUCH LOSSES, INCLUDING THOSE WHICH RESULT FROM LESSOR'S NEGLIGENCE, EVEN ORDINARY NEGLIGENCE.**

5.02. If the building on the Leased Premises should be damaged or destroyed by fire, tornado, or other casualty, Lessee shall give immediate written notice thereof to Lessor.

5.03. If the building on the Leased Premises should be totally destroyed by fire, tornado, or other casualty, or if it should be so damaged that rebuilding or repairs cannot reasonably be completed within ninety (90) working days from the date of written notification by Lessee to Lessor of the occurrence of the damage, this lease shall terminate and rent shall be abated for the unexpired portion of this lease, effective as

of the date of said written notification.

5.04. If the building or other improvements on the Leased Premises should be damaged by fire, tornado, or other casualty, but not to such an extent that rebuilding or repairs cannot reasonably be completed within ninety (90) working days from the date of written notification by Lessee to Lessor of the occurrence of the damage, this lease shall not terminate, but Lessor shall, if the casualty has occurred prior to the final ninety (90) working days of the lease term, at Lessor's sole cost and risk, proceed forthwith to rebuild or repair such building and other improvements to substantially the condition in which they existed prior to such damage. If the casualty occurs during the final ninety (90) working days of the lease term, Lessor shall not be required to rebuild or repair such damage. If the building and other improvements are to be rebuilt or repaired and are untenantable in whole or in part following such damage, the rent payable hereunder during the period in which they are untenantable shall be adjusted equitably. In the event that Lessor should fail to complete such rebuilding or repairs within ninety (90) working days from the date of written notification by Lessee to Lessor of the occurrence of the damage, Lessee may at Lessee's option terminate this lease by written notification at such time to Lessor, whereon all rights and obligations hereunder shall cease.

5.05. Lessee shall not commit or permit any act or acts in or on the Leased Premises or use them or suffer them to be used in any manner that will increase the existing fire, liability and other insurance rates on either the Leased Premises or the building in which the Leased Premises are situated, or that will cause a cancellation of any insurance policy covering the premises or any part of them. Lessee will not keep, hold, store, use, or sell in or on the Leased Premises any product or article prohibited by the standard fire-insurance policy, as it now exists or may later provide, covering the premises or permit or suffer any such product or article to be kept, held, stored, used or sold in or on the Leased Premises, and Lessee will, at its sole expense, comply with all requirements of Lessor's insurance carriers pertaining to the Leased Premises necessary for the continued maintenance of reasonable fire and liability insurance of the premises and appurtenances.

ARTICLE 6. UTILITIES

6.01. Lessee shall during the term hereof pay all charges for telephone, gas, electricity, and water and all other utilities used in or on the Leased Premises and for the removal of rubbish therefrom before they shall become delinquent.

ARTICLE 7. WASTE AND NUISANCE

7.01. Lessee shall not commit, or suffer to be committed, any waste on the Leased Premises, nor shall Lessee maintain, commit, or permit the maintenance or commission of any nuisance on the Leased Premises or use the Leased Premises for any unlawful purpose.

ARTICLE 8. IMPROVEMENTS, REPAIRS AND MAINTENANCE

8.01. Lessor shall repair and maintain the Leased Premises so that the premises will have effective waterproofing and weather protection of roof and exterior walls, excluding windows and doors, and Lessor shall maintain the foundation of the building situated on the Leased Premises and Landscaping. Lessor shall have no duty of mold remediation.

8.02. Lessee shall, at Lessee's expense:

(A) keep the Leased Premises as clean and sanitary as the condition of the premises permits;

(B) dispose from the Leased Premises all rubbish, garbage, and other waste, in a clean and sanitary manner;

(C) properly use and operate all electrical, gas, and plumbing fixtures and keep them as clean and sanitary as their condition permits;

(D) not permit any person on the premises, with Lessee's permission, to willfully or wantonly destroy, deface, damage, impair, or remove any part of the Leased Premises or the facilities, equipment, or appurtenances thereto;

(E) abide by all laws, regulations and ordinances of any governmental authority having jurisdiction over the Leased Premises;

(F) make all repairs and perform all maintenance to the Leased Premises other than those expressly imposed on Lessor herein, with all repairs performed by trained, qualified and insured repair persons;

(G) not permit the keeping or storage of hazardous materials as defined by federal statutes on the Leased Premises provided, however, that Lessee shall be permitted to keep and store art materials and supplies except that flammable materials shall be kept only in small, limited quantities; and

(H) not permit smoking or the use of gas fired equipment inside the Leased Premises.

ARTICLE 9. ALTERATIONS, IMPROVEMENTS AND FIXTURES

9.01. Lessee shall not make any alterations, including locks or other security devices, to the Leased Premises without the prior written consent of Lessor to do so. Any and all alterations, additions, improvements, and fixtures (except trade fixtures

which Lessee shall be permitted to remove from the Leased Premises at any time during the term hereof or upon expiration or sooner termination of this lease and not otherwise if such removal can be effected without injury to the Leased Premises and if any such fixture shall not have become, by the manner in which it is affixed, an integral part of the Leased Premises), made or placed in or on the Leased Premises shall on expiration or sooner termination of this lease belong to Lessor without compensation to Lessee; provided, however, that Lessor shall have the option, to be exercised on expiration or sooner termination of this lease, to require Lessee to remove any or all of such additions, improvements or fixtures. Before installing any fixtures in or on the Leased Premises, Lessee shall submit plans and designs therefor to Lessor for Lessor's approval, and in the event that the plans and designs are not approved by Lessor, such fixtures shall not be installed until any changes required by Lessor are made. Lessor agrees not to unreasonably withhold consent under this Section 9.01.

ARTICLE 10. COVENANTS

10.01. Lessor shall on the commencement date of the term of this lease as hereinabove set forth, place Lessee in quiet possession of the Leased Premises and shall secure Lessee in the quiet possession thereof.

10.02. Lessee may not do anything that will cause the Leased Premises to be encumbered in any way.

ARTICLE 11. SURRENDER OF PREMISES

11.01. Lessee shall, at Lessee's own cost and expense within three (3) calendar days after expiration or sooner termination of the term hereof or of any extended term hereof, remove all property belonging to Lessee and all alterations, additions or improvements, and fixtures which by the terms hereof Lessee is permitted to remove, repair all damage to the Leased Premises caused by such removal, and restore the Leased Premises to the condition they were in prior to the installation of the property so removed. Any property not so removed shall be deemed to have been abandoned by Lessee and may be retained or disposed of by Lessor.

11.02. Lessee agrees to and shall, on expiration or sooner termination of the term hereof or of any extended term hereof, promptly surrender and deliver the Leased Premises to Lessor in good condition, ordinary wear and tear and damage by the elements, fire, or act of God, or by other cause beyond the reasonable control of Lessee, excepted.

ARTICLE 12. TERMINATION AND CONDEMNATION

12.01. In the event the Leased Premises is to be utilized by Lessor for a governmental function, this lease may be terminated by Lessor prior to the expiration of the lease term, after providing Lessee a one year notice of termination.

12.02. If during the term of this lease or any extension or renewal thereof, all or part of the Leased Premises should be taken for any public or quasi-public use earlier by any condemning authority other than Lessor under any governmental law, ordinance, or regulation, or by right of eminent domain, or should be sold to the condemning authority (except Lessor) under threat of condemnation, this lease shall terminate and the rent shall be abated during the unexpired portion of this lease, effective as of the date of the taking of said premises by the condemning authority.

ARTICLE 13. DEFAULT

13.01. If Lessee shall remain in default under any condition of this lease for a period of ten (10) calendar days after written notice from Lessor to Lessee, or if the default is of such a nature as to be incapable of cure within ten (10) days and same has not been cured within a reasonable time after written notice from Lessor to Lessee, or should any person other than Lessee secure possession of the premises, or any part thereof, by reason of any assignment, dissolution, receivership or bankruptcy proceedings, Lessor may, at Lessor's option and without notice to Lessee, terminate this lease, or in the alternative, Lessor may re-enter and take possession of said premises and remove all persons and property therefrom, without being deemed guilty of any manner of trespass, and relet the premises or any part thereof.

The following provisions shall override and control, to the extent allowed by law, any conflicting provisions of the Texas Property Code, as well as any successor statute governing the right of a Lessor to change the door locks of commercial Lessees. In the event a default occurs, Lessor is entitled and is hereby authorized, without any further notice to Lessee whatsoever, to enter upon the Leased Premises by use of a master key, a duplicate key, or other peaceable means, and to change, alter, and/or modify the door locks on all entry doors of the Leased Premises, thereby permanently excluding Lessee and its officers, principals, agents, employees and representatives therefrom. In the event that Lessor has either permanently repossessed the Leased Premises pursuant to the foregoing provisions of this Lease, or has terminated this lease, Lessor shall not thereafter be obligated to provide Lessee with a key to the Leased Premises at any time, regardless of any amounts subsequently paid by Lessee; provided, however, that in any such instance, during Lessor's normal business hours and at the

convenience of Lessor, and upon receipt of written request from Lessee accompanied by such written waivers and releases as the Lessor may require, Lessor may (at Lessor's option) either (1) escort Lessee or its authorized personnel to the Leased Premises to retrieve any personal belongings or other property of Lessee, or (2) obtain a list from Lessee of such personal property as Lessee intends to remove, whereupon, Lessor shall remove such property and make it available to Lessee at a time and place designated by Lessor. However, if Lessor elects option (2), Lessee shall pay, in certified funds in advance, all costs and expenses estimated by Lessor to be incurred in removing such property and making it available to Lessee and all moving and/or storage charges theretofore incurred by Lessor with respect to such property. If Lessor elects to exclude Lessee from the Leased Premises without permanently repossessing or terminating pursuant to the foregoing provisions of this Lease, then Lessor shall not be obligated to provide Lessee a key to re-enter the Leased Premises until such time as all delinquent rent and other amounts due under this Lease have been paid in full and all other defaults, if any, have been completely cured to Lessor's satisfaction (if such cure occurs prior to any actual permanent repossession or termination), and Lessor has been given assurance reasonably satisfactory to Lessor evidencing Lessee's ability to satisfy its remaining obligations under this Lease. During any such temporary period of exclusion, Lessor will, during Lessor's regular business hours and at Lessor's convenience, upon receipt of written request from Lessee (accompanied by such written waivers and releases as Lessor may require), escort Lessee or its authorized personnel to the Leased Premises to retrieve personal belongings of Lessee or its employees, and such other property of Lessee.

All rights and remedies of Lessor under this lease shall be cumulative, and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

13.02. If Lessor defaults in the performance of any term, covenant, or condition required to be performed by him under this agreement, Lessee may elect to: (1) terminate this agreement on giving at least thirty (30) days' notice to Lessor of such intention, thereby terminating this agreement on the date designated in such notice, unless Lessor shall have cured such default prior to expiration of the thirty (30) day period; or (2) remedy such default at Lessee's expense.

ARTICLE 14. INSPECTION BY LESSOR

14.01. Lessee shall permit Lessor and Lessor's agents to enter into and upon the Leased Premises at all reasonable times for the purpose of inspecting the same or for the purpose of maintaining or making repairs or alterations to the building.

ARTICLE 15. ASSIGNMENT AND SUBLEASE

15.01. Lessee shall not assign this lease nor sublet all or a portion of the Leased Premises without the prior written consent of Lessor.

15.02. Lessor is expressly given the right to assign any or all of Lessor's interest under the terms of this lease.

ARTICLE 16. INDEMNITY

16.01. LESSEE AGREES TO INDEMNIFY AND HOLD LESSOR HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES FOR THE DEFENSE THEREOF, ARISING FROM THE LESSEE'S OCCUPANCY OF THE LEASED PREMISES, OR LESSEE'S CONDUCT OR MANAGEMENT OF LESSEE'S BUSINESS IN THE LEASED PREMISES, OR FROM ANY BREACH ON THE PART OF LESSEE OF ANY CONDITIONS OF THIS LEASE, OR FROM ANY ACT OR NEGLIGENCE OR FAILURE OF SECURITY OF LESSEE, ITS AGENTS, CONTRACTORS, EMPLOYEES, CONCESSIONAIRES, INVITEES, OR LICENSEES IN OR ABOUT THE LEASED PREMISES. IN CASE OF ANY ACTION OR PROCEEDING BROUGHT AGAINST LESSOR BY REASON OF ANY SUCH CLAIM, LESSEE, UPON NOTICE FROM LESSOR, COVENANTS TO DEFEND SUCH ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO LESSOR. NOTHING HEREIN SHALL BE CONSTRUED TO INDEMNIFY LESSOR FROM LESSOR'S OWN GROSS NEGLIGENCE.

16.02. The relationship between Lessor and Lessee shall at all times remain solely that of the Lessor and Lessee, and shall not be deemed a partnership or joint venture.

16.03. Lessor shall not be responsible or liable to Lessee, Lessee's invitees, or members of the public for losses of any kind, including personal injury or loss of merchandise or any personal property.

16.04. Lessee shall be responsible for security in and about the premises with regard to Lessee's own property, employees, agents, customers, and members of the public. Lessee understands the general level of crime in and about Fredericksburg and Gillespie County and understands that Lessor cannot and will not guarantee safety or security with regard to

the Leased Premises. Lessee specifically disclaims any duty of protection by Lessor.

ARTICLE 17. MISCELLANEOUS

17.01. Any notice or communication hereunder must be in writing, and may be given by registered or certified mail, shall be deemed to have been given and received when a registered or certified letter containing such notice, properly wrapped and addressed, with postage prepaid, is deposited in Texas, in the United States mail; and if given otherwise than by registered or certified mail, it shall be deemed to have been given when delivered to and actually received by the party to whom it is addressed. Such notices or communications shall be given to the parties hereto at the following addresses:

LESSOR:

City of Fredericksburg
Attention: City Manager
126 W. Main Street
Fredericksburg, Texas 78624

LESSEE:

Fredericksburg Art Guild
Attention: President
308 E. Austin Street
Fredericksburg, Texas 78624

Such addresses may be changed at any time by either party upon earlier notice given as herein set forth.

17.02. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this agreement.

17.03. This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Gillespie County.

17.04. This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written or oral agreements between the parties respecting the within subject matter.

17.05. No amendment, modification, or alteration of the terms hereof shall be

binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

17.06. In the event Lessor or Lessee breaches any of the terms of this agreement whereby the party not in default employs attorneys to protect or enforce its rights hereunder, and prevails, then the defaulting party agrees to pay the other party's reasonable attorney fees so incurred by such other party.

17.07. Neither Lessor nor Lessee shall be required to perform any term, condition, or covenant in this lease so long as such performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, material or labor restrictions by any governmental authority, civil riot, floods, and any other cause not reasonably within the control of the Lessor or Lessee and which by the exercise of due diligence Lessor or Lessee is unable, wholly or in part, to prevent or overcome.

17.08. Time is of the essence of this agreement.

IN WITNESS WHEREOF, each of the parties hereto has executed this LEASE AGREEMENT, or caused the same to be executed by its duly authorized representative.

FREDERICKSBURG ART GUILD

By: Joyce Malatek Date: 2/20/19
Printed Name and Title: Joyce Malatek, President

CITY OF FREDERICKSBURG, TEXAS

By: Kent Myers Date: 2/15/19
Kent Myers, City Manager

THE STATE OF TEXAS, :
COUNTY OF GILLESPIE. : **EXHIBIT "A"**

Field notes of a survey of 0.446 acre of land, more or less, made at the request of James Feller, et al. Said land is situated in the City of Fredericksburg, Gillespie County, Texas, being part of Townlot No. 75 as said Townlot is shown on the Map of Fredericksburg, Texas, by the German Emigration Company, and being part of that 49,920 square foot tract of land described in a conveyance to James Patrick Feller by Felix Weber, et al, dated July 15, 1967, found of record in Volume 92 pages 48-49 of the Deed Records of Gillespie County, Texas.

Said 0.446 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a 1/2 inch steel bar set in the N.E. line of E. Austin Street, for the South corner of Townlot No. 74, for West corner of Townlot No. 75, for the South corner of a tract of land described of record in Volume 107, pages 121-122 of said Deed Records, for the West corner of said 49,920 square foot Feller tract, for the West corner of this tract of land;

THENCE with the S.E. line of Townlot No. 74 and the N.W. lines of Townlot No. 75 and said 49,920 square foot tract, N. 39 deg. 55 min. 05 sec. E. 202.14 feet to a 1/2 inch steel bar set, for the East corner of Townlot No. 74, for the West corner of Townlot No. 499, for the North corner of Townlot No. 75, for the North corner of this tract of land;

THENCE with the S.W. line of said Townlot No. 499 and the N.E. line of said Townlot No. 75, S. 50 deg. 39 min. 15 sec. E. 96.91 feet to a 1/2 inch steel bar set, for the North corner of a certain tract of land described in a conveyance to B.H. Heinen found of record in Volume 54, pages 568-569 of said Deed Records, for a reentrant corner of said 49,920 square foot tract, for the East corner of this tract of land;

THENCE with the N.W. line of said Heinen tract and a S.E. line of said 49,920 square foot tract, S. 40 deg. 17 min. 30 sec. W., at 3.9 feet a steel fence corner post, 202.27 feet in all to a 1/2 inch steel bar set in the N.E. line of E. Austin Street and in the S.W. line of Townlot No. 75, for the West corner of said Heinen tract, for the most westerly South corner of said 49,920 square foot tract, for the South corner of this tract of land;

THENCE with the N.E. line of E. Austin Street, N. 50 deg. 35 min. 20 sec. W. 95.59 feet to the place of BEGINNING.

I, Carey Bonn, Registered Professional Land Surveyor, hereby certify that the foregoing field notes and accompanying plat represent a survey made on the ground under my supervision on July 12, 1995.



Carey Bonn
Carey Bonn
Reg. Prof. Land Surveyor No. 4447



CITY COUNCIL MEMO

DATE: February 9, 2021
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Future City Council and Other Public Meetings

Summary:

The City Council should discuss and consider the location and format for future meetings of the City Council and other City Committees such as the Planning and Zoning Commission and Historic Review Board.

Recommendation:

It is recommended that the same location and format be approved for all City public meetings and that the Council's approval be made for a three-month period (March, April and May).

Background / Analysis:

Due to the impacts from COVID-19 over the past year, the City has had to relocate our City Council and other public meetings from the Law Enforcement Center. We have also changed to both zoom meetings and hybrid meetings which consist of both in-person and zoom meetings. Previously the City Council decided to have public meetings during February as zoom only meetings.

In considering options for future public meetings during the pandemic, we have several challenges that we are facing. The Law Enforcement Center is too small with a public occupancy of 29 in order to meet social distancing requirements. The University Center is no longer available due to use of this facility for

The City of Fredericksburg

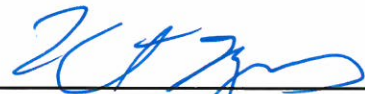
the mass vaccination site. And there is a lack of other meeting spaces in our community that are large enough to accommodate our needs.

In considering different locations for future in-person meetings, City staff reviewed some 6-7 different sites. These were evaluated based upon size, availability, cost, location, and other factors. It appears that the Rockbox Theatre and the Bridge Church offer the most feasibility spaces for our public meetings. We recommend that one of these two facilities be selected for our meetings during March, April and May if the Council decides to resume in-person meetings.

With regard to the format for these meetings, there are basically four options that should be considered including (1) continuation of zoom only meetings which would not require the City to select a meeting site; (2) holding in-person meetings with no ability for the public to view the meetings; (3) holding in-person meetings with a hybrid approach including Zoom for people who cannot attend the meetings; and (4) holding in-person meetings with a hybrid approach involving the streaming of the meetings on YouTube. The estimated cost for adding equipment for Zoom is about \$45,000 and the estimate cost for the equipment necessary to stream the meetings is about \$18,000.

At Monday's City Council staff will be available to respond to any questions involving these four options.

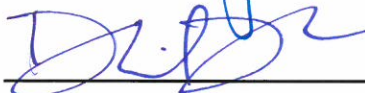
Attachments:



Department Approval



City Manager Approval



City Attorney Approval

objecting to
recommendation
of Bridge Church,
due to Establishment
Clause of U.S. Constitution.

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: February 15, 2021

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider presentation on 175th Anniversary Events

Summary:

Tony Klein, the Chairman of the 175th Anniversary Committee will give a presentation on plans for events during the anniversary year.

Recommendation:

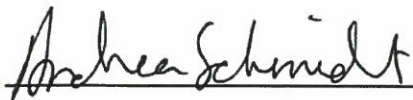
Receive presentation from the 175th Anniversary Committee on their plans for the anniversary year.

Background / Analysis:

The 175th Anniversary Committee has been planning for the anniversary year for more than a year. Events are planned to start the weekend of May 7, 2021, and finish the weekend of May 6, 2022.

Attachments:

None



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Agenda Packet Page 118



CITY COUNCIL MEMO

DATE: February 9, 2021

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Moratorium on special events and outdoor gatherings of 75 or more on City-owned property, and the requirements for outdoor gatherings of 10 to 75 people

Summary:

The expiration date for the current moratorium on special events and outdoor gatherings on City-owned property of 75 or more people is Sunday, February 28, 2021. In addition, outdoor gatherings of 10 to 75 people are required to submit a written health & safety plan for the mayor to review and approve before moving forward.

Special Events: It is recommended for City Council to consider extending the current moratorium on special events on City-owned property through March 31, 2021. Any special event wanting to obtain a permit would be required to submit a written health & safety plan for review and approval by City Council before moving forward. The definition of a special event is found under the Background/Analysis section of this memo. There is no change in this recommendation from what has been approved and in effect since August 1, 2020.

Private outdoor gatherings of 10-299 people: The number of outdoor private events peak during the spring and early summer months. The parks department has over 25 open pavilion reservations beginning in April of 2021. Many of these reservations are from small, private events in 2020 being moved to 2021 due to COVID-19. Staff would like City Council to consider allowing private outdoor event rentals of facilities for gatherings less than 300 people, limited to posted occupancy or maximum occupancy allowed by State guidelines (i.e., 75% occupancy for swimming pools), and requiring the renter to sign a waiver. The waiver would require the renter and attendees to follow COVID-19 health & safety protocols. The waiver would go into effect at 12:01 a.m. on Tuesday, February 16, 2021. The

The City of Fredericksburg

waiver would be in-lieu of requiring a written health & safety plan to be submitted to the mayor for review and approval.

Recommendation:

Consider the adoption of a motion to extend the current moratorium on special events on City-owned property through March 31, 2021; and allow rental of facilities for private outdoor gatherings for 10-299 people, limited to posted occupancy or maximum occupancy allowed by State guidelines, and requiring the renter to sign a COVID-19 health & safety protocol waiver.

Background / Analysis:

Special Event Definition from Special Events Ordinance 2019-26:

Special Event means a temporary event, gathering or activity, including but not limited to parades, bike races, marathons, walk-a-thons, firework displays, concerts, carnivals other types of races and festivals, First Amendment Events, and Seasonal Special Events which involve one or more of the following activities:

- (1) Closing or partial closing of a public street;
- (2) Blocking or restricting City-owned property;
- (3) An event, gathering, or activity held on City-Owned property, that is open or advertised to the general public;
- (4) Sale of merchandise, food or beverages on City-owned property;
- (5) Erection of a tent equal to or greater than 200 square feet in area on City-owned property;
- (6) Installation of a stage, band-shell, trailer, van, grandstand, bleachers or other portable building or structure on City-owned property;
- (7) Placement of portable toilets on City -owned property;
- (8) Private event, gathering, or activity held on City-Owned property, reasonably expected to have attendance of 300 or more people, per day;
- (9) Placement of temporary no-parking signs in a public right-of-way or on City-owned property; or
- (10) Placement of pedestrian boundary markers on City-owned property

Moratorium background:

Executive order GA-28 issued by Governor Abbott on July 2, 2020, effective on July 3, 2020 states:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;

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12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group

On July 20, 2020, city council approved a moratorium for special events on City-owned property effective August 1, 2020 through November 1, 2020, to slow the spread of the novel coronavirus (COVID-19) in the community. In addition, City Council required outdoor gatherings over 10 people but under 75 people to submit a written health and safety plan for the mayor to review and ultimately approve before moving forward.

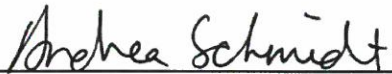
At the October 19, 2020 City Council meeting, the moratorium was extended to November 16, 2020.

At the November 16, 2020 City Council meeting, the moratorium was extended through December 31, 2020.

At the December 21, 2020 City Council meeting, the moratorium was extended through February 28, 2021.

Attachments:

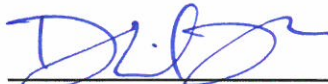
COVID-19 Private Outdoor Event Health & Safety Protocols Waiver; March-June Special Event Calendar



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

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COVID-19 REQUIREMENTS FOR PRIVATE OUTDOOR GATHERINGS ON CITY OF FREDERICKSBURG PROPERTY

The Renter agrees to comply with the following requirements as a condition of reserving and occupying any City of Fredericksburg property or facility:

- Renter agrees that no person attending the Renter's event will have:
 - traveled out of the country in the last 14 days prior to the rental date;
 - experiencing a cough, difficulty breathing or a loss in taste/smell in the last 14 days prior to the rental date;
 - a fever of 100.0 degrees Fahrenheit or greater on the date of the rental; or
 - been in contact with anyone who has a confirmed case of COVID-19 in the last 14 days before the rental date.
- Renter agrees that all persons attending the Renter's event will sanitize their hands upon entry into the park/facility.
- Renter agrees that all persons attending the Renter's event shall maintain six feet of social distancing from another person not in the same household whenever feasible.
- Renter understands and agrees that face coverings are required whenever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the persons exempted from wearing a face covering under Executive Order GA-29 issued by the Governor of Texas.
- Renter understands and agrees to limit attendance to Renter's event to no more than the occupancy of the facility, as determined by any applicable Executive Order issued by the Governor of Texas.

I, the Renter, acknowledge that I have read and understand these COVID-19 Requirements for Private Outdoor Gatherings on City of Fredericksburg property, and I agree to comply with said requirements as a condition of reserving and occupying any City of Fredericksburg property or facility. I acknowledge and understand that my failure to abide by these COVID-19 Requirements may result in cancellation of my reservation or event. I understand that the City of Fredericksburg does not warrant or guarantee that persons attending the Renter's event will not be exposed to COVID-19.

Renter's Full Name (Signed)

Renter's Full Name (Printed)

Date



The City of Fredericksburg

March-May 2021 Special Events Calendar

Parks & Recreation Department

MARCH

Saturday, March 20: Wanderlust 13.1, 10K & 5K

Thursday, March 25: City Hall Open House & Touch-A-Truck

Saturday, March 27: Hill Country Indian Artifact Show

Sunday, March 28: Palms in the Platz

LOCATION/NOTES

Marktplatz: Adelsverein Halle/Race route

POSTPONED

LBJMP: Pioneer Pavilion

Marktplatz: Adelsverein Halle & kitchen

APRIL

Saturday, April 3: Lions Club Pancake Breakfast

Saturday, April 3: Redbud Artisan Market

Saturday, April 10: Die Kunstler Art Show

*Saturday, April 17: Fredericksburg Vol. Fire Dept. Fish Fry

Thursday, April 22: Farmers Market (4-7 PM) **FIRST DAY**

*Saturday, April 24: Wildflower Run

Thursday, April 29: Farmers Market (4-7 PM)

Marktplatz: Kinder Halle

Marktplatz: Adelsverein, Oktober, kitchen

Marktplatz: Adelsverein Halle

Marktplatz: Entire Square

Marktplatz: Kinder Halle

Marktplatz: Adelsverein Halle/Race route

Marktplatz: Kinder Halle

MAY:

Saturday, May 1: Pioneer Memorial Library Book Sale

Saturday, May 1: Living History Re-enactors

Thursday, May 6: National Day of Prayer

Thursday, May 6: Farmers Market

*Friday, May 7: 175th Anniversary Fireworks Show

*Saturday, May 8: 175th Anniversary Parade at 10:00 a.m.

Saturday, May 8: Founders Day Ceremony & Wreath Laying

*Saturday, May 8: Pat's Hall Night (5-11 p.m.)

Saturday, May 8: Founders Day Activities

*Sunday, May 9: 175th Anniversary Community Picnic (12 p.m.)

Sunday, May 9: 175th Anniversary Ice Cream Social (1 p.m.)

Sunday, May 9: 175th Anniversary Entertainment (1-6 p.m.)

Sunday, May 9: 175th Anniversary Tournaments (1 p.m.)

Thursday, May 13: Farmers Market

Saturday, May 15: Sheffield Wedding

Saturday, May 15: History and Legends of Ft. Martin Scott (Friends)

Thursday, May 20: Farmers Market

Sunday, May 23: PCAA Summer Concert

Thursday, May 27: Farmers Market

*Friday, May 28: Crawfish Festival

Saturday, May 29: Crawfish Festival

Sunday, May 30: Crawfish Festival

Marktplatz: Adelsverein Halle

Fort Martin Scott

Marktplatz: Adelsverein Halle

Marktplatz: Kinder Halle

LBJMP: Entire Park

Main Street

Marktplatz: Kinder Halle & Meusenbach Statue

Marktplatz

Fort Martin Scott

Marktplatz

Marktplatz

Marktplatz

Marktplatz

Marktplatz: Kinder Halle

Marktplatz: All 3 Halles, Kitchen & Fest Room

Fort Martin Scott

Marktplatz: Kinder Halle

Marktplatz: Adelsverein Halle

Off-site due to Crawfish Fest. Set-up

Marktplatz: Entire Square

Marktplatz: Entire Square

Marktplatz: Entire Square

SPECIAL EVENT MORATORIUM EXPIRES FEBRUARY 28, 2021

KEY: Events in green have been approved by City Council; Events in blue have submitted a written health & safety plan for review; Events in red are internal Parks & Recreation or City produced events; Events marked "strikethrough" have been canceled by the event organizer



CITY COUNCIL MEMO

DATE: February 5, 2021

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Health & Safety Plan for Lions Club Annual Pancake Breakfast

Summary:

Jerry Luckenbach and Ronnie Stotz have submitted a health & safety plan for review and approval to host the annual Lions Club Pancake Breakfast on Saturday, April 3, 2021, at Marktplatz (Kinder Halle).

Recommendation:

City council should consider adoption of a motion to allow the Lions Club Pancake Breakfast to take place at Marktplatz on Saturday, April 3, 2021, based upon the information included in the attached health & safety plan.

Background / Analysis:

The Lions Club Pancake Breakfast is a non-profit fundraiser for the Lions Club Camp in Kerrville, TX. Tickets are \$6.00 per person and food will be served in to-go boxes with condiments in individual packets.

On July 20, 2020, city council approved a moratorium for special events on City-owned property effective August 1, 2020 through November 1, 2020, to slow the spread of the novel coronavirus (COVID-19) in the community.

In addition to the moratorium on special events, the city council voted to prohibit all other outdoor gatherings, on city property in excess of 75 people from August 1, 2020 through November 1, 2020, other

The City of Fredericksburg

than those gatherings set forth in in paragraph numbers 1, 2, or 4, of Executive Order GA-28 (as amended) issued by Governor Greg Abbott. Events over 10 people but under 75 people are required to submit a Health and Safety Plan for the mayor to review and ultimately approve before moving forward.

At the October 19th city council meeting, the moratorium was extended to November 16, 2020.

At the November 16th city council meeting, the moratorium was extended to December 31, 2020.

At the December 21st city council meeting, the moratorium was extended to February 28, 2021 with the following events approved to move forward: Hill Country Indian Artifact Show, Kid Fish, and St. Mary's Catholic Schools Week Parade.

At the February 1st city council meeting, health & safety plans for the four following events were reviewed and approved to move forward: Wanderlust Half Marathon, Redbud Artisan Market, Fredericksburg Farmers Market and the Wildflower Run.

Attachments:

Lions Club Pancake Breakfast Health & Safety Plan; 2021 Special Event Application; Kinder Halle diagram


Department Approval


City Manager Approval


City Attorney Approval

The City of Fredericksburg

HEALTH AND SAFETY PLAN FOR THE FREDERICKSBURG LIONS CLUB PANCAKE BREAKFAST

FREDERICKSBURG LIONS CLUB DISTRICT 2A-2

Event Details

1. We are a non-profit organization.
2. The event name is Fredericksburg Loins Club Pancake Breakfast
3. It is a fund raiser for the Lions Club camp in Kerrville, Texas
4. The event will be held on April 3, 2021 .Saturday before Eater
5. We are asking for the use of the Kinder Halle only from 7 am till 11 am. . plus 1 hour for cleanup and removal of the trailer
6. We will use banner rope to section off route of guest.
7. Organizers will be the Lion Club members. President Jerry M Luckenbach /710 Cross Mt. Dr./Fredericksburg, Texas [830-998-0481](tel:830-998-0481) [REDACTED] Ronnie Stotz is Vice Pres. 830-992-7920

Face coverings/ Mask

1. All volunteers will be required to wear face mask, wear gloves and head coverage

Temperature checks

1. All volunteers will have their temperature checked by an individual of the club. If the temp. is 100 degrees or above they will be asked to leave, no questions asked

PPE

1. Mask, gloves, aprons and hand sanitizer will be provided. Hand washing station will also be available for the workers. There is around 10 volunteers so we will have 1 hand wash station

Signage & announcements

1. Posters will state CDC guidelines and ask everyone to please observe them. Mask, distancing, sit with family and use hand sanitizer.

Event Promotion /information

1. Price of a ticket is \$6.00 per person. They may be purchased prior from a member or at the event.
2. It is open to the public. If the event does not happen at that date we will try and reschedule or hope they understand that they made a donation for a super cause.
3. In years past people come and eat then leave. I would estimate that around 20 -30 are there at one time. Like all fund raisers the more you raise the more that goes to the camp.
4. We plan on serving in to go boxes, where we will serve the individuals. All condiments are individual packets. Coffee and juice will be served by an individual of the club.



City of Fredericksburg Parks & Recreation Department Special Event Application

Mail completed application to: Special Events, 126 W. Main Street, Fredericksburg, TX 78624;
or scan and email to: specialevents@fbgtx.org

Use N/A for "not applicable" or leave blank questions or sections that do not apply to your event.

APPLICANT INFORMATION

Name of Organization/Business: FREDERICKSBURG LIONS CLUB
Applicant Name/Event Organizer: JERRY M. LUCKENBACH / RONNIE STOTZ
Address: 710 CROSS MOUNTAIN DRIVE
City: FREDERICKSBURG State: TEXAS Zip: 78624
Primary phone: (830) 998-0481 (Jerry) Secondary phone: (830) 992-7920 (Ronnie)
Email address: [REDACTED]
Event Promoter Name: _____ Primary phone: () _____
Organization/Business Type: ☐ FOR-PROFIT; Event proceeds go to: _____
☒ *NON-PROFIT *attach proof ☐ INDIVIDUAL

EVENT INFORMATION & LOCATION

Official Event Name: Lions Club PANCAKE BREAKFAST Event date(s): 4/3/2021
Event History: Is this a first-time event? ☐ YES ☒ NO Estimated attendance: 100+
Is the event open to the general public? ☒ YES ☐ NO Date application submitted: 2-5-21

Reservation fees are listed per day unless noted; deposit pricing is not included. Non-profits receive 50% discount on reservation fees; banner hanging fee excluded.

*MARKTPLATZ Please check all that apply:		*Excludes City Hall/Fire Station, Annex, Police Substation & Vereins Kirche	Address: 100 West Main Street, Fredericksburg, TX 78624
☐ Entire Square: \$2,400/week	☒ Kinder Halle: \$150 <u>\$75</u>	☐ Oktoberfest Halle: \$150	
☐ Adelsverein Halle: \$250	☐ Fest Room: \$50	☐ Kitchen: \$50	
☐ Entire Square additional day: \$650 each; ___ # of days	☐ Banner Hanging Fee: \$25 (optional; at front of Marktplatz for 24 hours)	☒ INITIAL (required) : I have read Marktplatz Use Regulations on pages 16-18 of the Special Events Planning Guide.	

*LADY BIRD JOHNSON MUNICIPAL PARK (LBJMP) Please check all that apply:		*Excludes Park Headquarters Building, swimming pools, RV Park, campsites, dog park, nature trail, tennis court and golf course. Access to such areas may be closed or restricted for events and in the discretion of the PARD.
☐ **Pioneer Pavilion; \$625 for 4 days (Thursday-Sunday only)	☐ Tatsch House: Fri/Sat/Sun, December & holidays: \$200	
☐ Entire Park: \$1,600 per week; ___ # of add-on days: \$650/day	☐ Tatsch House: weekday (Monday-Thursday): \$150	
☐ Cooler inside Pioneer Pavilion: no fee; non-perishable items only	___ INITIAL (required): I have read LBJMP Use Regulations on pages 19 & 20 of the Special Events Planning Guide.	
Outdoor Pavilions: ☐ Pav. #1: \$40 ☐ Pav. #2: \$40 ☐ Pav. #3: \$45 ☐ Pav. #4: \$45 ☐ Pav. #5: \$60		

****Pioneer Pavilion is available for additional add-on days for \$125/day but must be pre-approved by Park Recreation Superintendent.**

EVENT INFORMATION CONTINUED

OTHER PROPERTY

Please check all that apply:

☐ Fort Martin Scott: \$500/day; ___ # of days ___ INITIAL (required): I have read Fort Martin Scott Use Regulations on page 21 of the Special Events Planning Guide.	☐ Town Pool: \$200; restroom access only	☐ Parade/*Other/*Private Property, list location and address: _____ _____ _____ <i>*Applicant shall submit copy of a letter from property owner giving written permission for event use.</i>
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Attach more sheets if needed for information below:

Move-in & Set-up (first day of move-in):

Move-in/Set-up Date: 4/2/2021 Times: Start: 4 pm End: _____
just bring the trailer & drop off

Indicate dates/times OPEN to attendees:

Event Date: 4/3/2021 Times: Start: 7am End: 11am
 Event Date #2: _____ Times: Start: _____ End: _____
 Event Date #3: _____ Times: Start: _____ End: _____

Move-Out & Strike (final day):

Move-Out/Strike Date: 4/3/2021 Times: Start: 12 noon End: _____

Event day "on-site" Contact Name: Jerry Luckenbach / Ronnie Stolz Phone: () _____
 Event website: _____

Event information hotline: () _____

Is the event free and open to the general public (not including vendors/sponsors, etc.?)

☒ YES ☐ NO
☒ On-site sale/registration

Admission will be made by: ☒ Pre-sold ticket ☐ Free ☐ Pre-registration

Other (please specify): _____

EVENT COMPONENTS

Please check all that apply:

☐ Animals	☐ Aircraft Flyover	☐ Bike Race	☐ Car Show	☐ Carnival
☐ Concert	☐ Cook-Off	☐ Company Picnic	☐ Demonstration or Rally	☐ Fair/Festival
☐ Family Reunion	☐ Fireworks	☒ Fundraiser	☐ Fun Run/Race	☐ Historical Re-Enactment
☐ Motorcycle Run	☐ Parade	☐ Sporting Event/Tournament	☐ Trade, Vendor, or Art Show	☐ Wedding

☐ Other (please list): _____

Event Size: 7-11 *one and go* Estimated max. attendance at one time _____ # of Art/Craft Vendors
 _____ # of Staff/Volunteers expected _____ # of Food/Beverage Vendors

Are you requesting any street closures or to block any city-owned property? ☐ *YES ☒ NO

**Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please use the official Street Closure Request Form found on page 9.*

Pavement Markings: Will your event be requesting to mark any pavement? ☐ YES* ☒ NO

*If yes, please describe the materials & supplies you are requesting to mark the pavement: _____

When & how will the markings be removed? _____

EVENT COMMUNICATION & SECURITY

During the event what form of communication systems will be used for the following:

Event Management (internal): _____

Public Address (external): _____

Events with 1,000 attendees or more; events lasting past 10 PM; or events which provide alcohol require the provision of licensed, bonded and commissioned private security at the applicant's expense. The number of guards and their hours of duty will be determined by the PARD and the security company based on the type of event and number of attendees.

What security/law enforcement agency have you hired for your event? NONE

Contact name: _____ Phone: () _____

Have you contacted Fredericksburg Police Department in relation to your event? ☐ *Yes or ☒ No

*If yes, who did you speak with? _____

EQUIPMENT, ACTIVITIES & AMUSEMENTS

The following equipment, activities, and/or amusements will be at the event:

☐ Generators; list quantity: _____ and size(s): _____

☐ Canopies/Tents larger than 200 sq. ft.; quantity: _____ and size(s): _____

Sides? ☐ Yes ☐ No; if yes, how many sides will be closed? _____

How will tents/canopies be secured? ☐ Water barrels (preferred) ☐ Stakes ☐ Sandbags ☐ Weights

Other (describe): _____

☐ Stage; quantity: _____

Please check all that apply:

☐ Amplified Sound	☐ *Amusement ride; quantity: _____	☐ Barricades	☐ Bleachers	☐ Chairs	☐ Dance Floor
☐ DJ/Live Music	☐ Drone	☐ Fencing	☐ Fryer	☐ **Inflatables and/or Moonwalks; quantity: _____	☐ Light Towers
☐ Tables	☐ Parked cars for display	☐ Sale of merchandise	☐ Wi-Fi access needed	☒ Other: <u>Food trailer</u>	☐ Other: _____

*Name of company providing amusement rides: _____ Phone () _____

General liability insurance is required naming the City of Fredericksburg as the certificate holder and additional insured.

**Name of company providing inflatables/moonwalks: _____ Phone () _____

General liability insurance is required naming the City of Fredericksburg as the certificate holder and additional insured.

UTILITIES, RESTROOMS & HAND WASHING STATIONS

Will you need use of electricity? ☒ *YES; ☐ 220V ☐ 110V; ☐ NO ELECTRICITY NEEDED

*If yes, what will electricity be used for? _____

*Any electrical work must be made by a licensed electrician. If a licensed electrician is not available, additional power needs must be met by the use of generators and are the responsibility of the event organizer.

Will you need access to water? ☒ *YES ☐ NO WATER NEEDED

*If yes, what will water be used for? coffee & rinsing

*Event organizers must bring their own food grade hose(s). Non-potable water sources at Marktplatz are marked in purple and cannot be used.

Please indicate the number of portable restrooms & handwashing stations you will have at your event, along with delivery date, pick-up date, and contact information below.

_____ # of regular portable restrooms _____ # of ADA portable restrooms _____ # of hand-washing stations

USE OF ON-SITE FACILITIES

*Equipment will be delivered on: _____ at _____ (enter time)

Equipment will be picked up on: _____ at _____ (enter time)

Sanitation company name: _____ Phone: () _____

When will items be serviced and how often? _____

*Event organizer or representative must be present for delivery of equipment to ensure proper placement.

CLEAN UP/TRASH COLLECTING & RECYCLING

Contact name responsible for event clean-up: Lions Club Phone: () ☐ *YES; when? ☐ NO
 Will a dumpster(s) be delivered? ☐ *YES; when? ☐ NO
 What size dumpster(s)? N/A
 What provisions will be made for recycling? N/A
**Event organizer or representative must be present for delivery of equipment to ensure proper placement.*

FIRST AID & EMERGENCY VEHICLE ACCESS

Will your event have a first aid station on-site?
☐ *YES ☒ NO next to Fire Station
 *Company/Org. Name: _____
 Contact Name: _____
 Phone: () _____

Events will not be permitted without emergency vehicle access. This access must be available always and events are subject to permit revocation if emergency access lanes are not provided for.
 Have you reviewed your layout to verify emergency vehicle access?
☒ YES; ☐ NO

FOOD & BEVERAGE:

Please check all that apply:	☐ No food or beverage at event (skip to Signage section)	☒ *Sale of food/beverages	☒ Distribution of food/beverages
<i>*A list of approved food & beverage vendors including their name, address and contact number is required at least 10-days prior to your event date; please use the Special Event Food & Beverage Vendor List form on page 8.</i>	☐ Event will sell alcohol (including tips/donations). Indicate type: ☐ Beer ☐ Wine/Champagne ☐ Liquor Who will provide the alcohol? _____ ☐ I need a landlord permission letter in order to obtain a TABC permit for alcohol sales.	☐ Event will distribute alcohol at no charge. Indicate type: ☐ Beer ☐ Wine/Champagne ☐ Liquor Who will provide the alcohol? _____	☒ Event will not have alcohol.

Marktplatz events only: will your event need grey water disposal containers? ☐ *YES ☒ NO; Enter Qty. (1 or 2): 0
**The City owns two (2), 270-gallon containers. Placement of the grey water disposal containers is at the discretion of the Parks Department. Servicing of the grey water containers are the event organizer's responsibility. Containers must be emptied no later than two (2) days after the final event day.*

RACES, RUNS, & WALKS ONLY

Complete this section if your event includes a race, run or walk.

Are you requesting any street closures for some or all of your route? ☐ *YES ☒ NO
**Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please use the Street Closure Request form found on page 9.*

On-site registration will begin at: _____ am/pm @ _____ (location)

Starting time (if staggered, please enter all and explain): _____

Describe your route, including starting point and disbanding area:

Start: _____ (location)

Route: _____ (describe distances)

Disband: _____ (location)

PARADES ONLY

Complete this section if your event includes a parade.

Are you requesting any street closures for some or all of your route? ☐ *YES ☐ NO

**Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please use the Street Closure Request form found on page 9.*

Parade staging will begin at: ☐ am ☐ pm @ _____ (location)

Start: _____ (location)

Route: _____ (describe distances)

Disband: _____ (location)

Estimated number of entries/floats: _____ Will your parade allow animals? ☐ *YES ☐ NO; if yes, what type? _____

*How will you clean-up animal waste? _____

____ Initial; I agree to follow the City's adopted Parade Safety Rules found on pages 22 & 23 of the Special Events Planning Guide.

SIGNATURE & INDEMNITY AGREEMENT

I, the undersigned, hereby confirm that the information stated above is true and correct to the best of my knowledge.

Signature of Applicant

Date

2/5/2021

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF FREDERICKSBURG, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

Signature of Applicant

Date

2/5/2021

ADDITIONAL NOTES ABOUT YOUR EVENT (type below):

----- END OF APPLICATION -----

For City of Fredericksburg Use Only:

By signature, the City approves this Event, subject to all requirements:

Signature of City Manager or Designated Representative

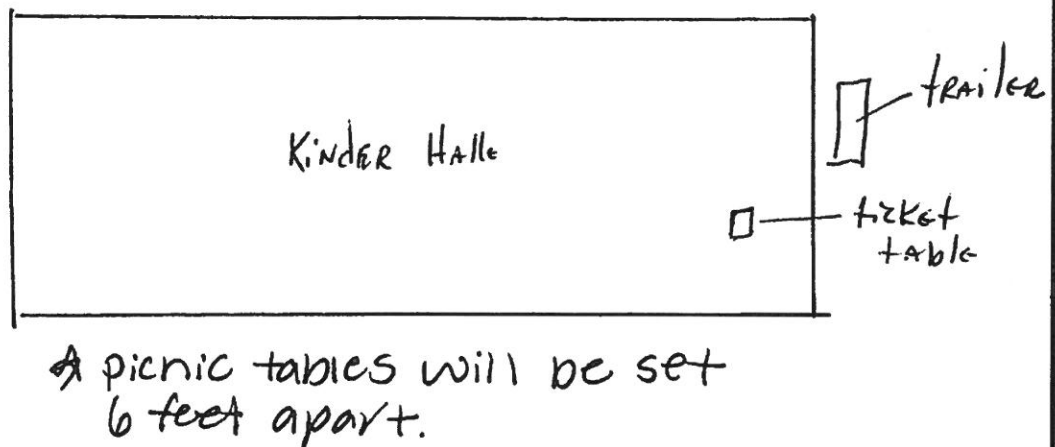
Date

Additional comments:

general liability insurance required

EVENT SITE PLAN, LAYOUT, OR ROUTE; PAGE 7

Attach or draw your event site plan, layout or route. Include location of booths, stages, first aid, information/ticket booths, registration, generators, start/finish line, moonwalks/amusements, portable restrooms, dumpsters, signs and parking. See examples in the Appendix if you need assistance.





CITY COUNCIL MEMO

DATE: February 8, 2021

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Health & Safety Plan for Die Künstler von Fredericksburg Art Show

Summary:

Louise Murphy and Ruby Lee Clark have submitted a health & safety plan for review and approval to host the Die Künstler von Fredericksburg Art Show on Saturday, April 10, 2021, at Marktplatz (Adelsverein & Oktoberfest Halles).

Recommendation:

City council should consider adoption of a motion to allow the Die Künstler von Fredericksburg Art Show to take place at Marktplatz on Saturday, April 10, 2021, based upon the information included in the attached health & safety plan.

Background / Analysis:

Die Künstler von Fredericksburg (the artists of Fredericksburg), or DK for short, is an all-volunteer member artist group founded in 1993, its name honoring the City's German heritage.

DK seeks to:

- promote appreciation of and public support for the visual arts in Fredericksburg and throughout the Texas Hill Country;
- encourage local artists at every level of experience to continually develop their talents;
- support Gillespie County school art programs;

The City of Fredericksburg

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- provide exhibiting opportunities for local artists.

The Die Künstler von Fredericksburg Art Show has taken place at Marktplatz in the past, with the most recent event in 2019.

On July 20, 2020, city council approved a moratorium for special events on City-owned property effective August 1, 2020 through November 1, 2020, to slow the spread of the novel coronavirus (COVID-19) in the community.

In addition to the moratorium on special events, the city council voted to prohibit all other outdoor gatherings, on city property in excess of 75 people from August 1, 2020 through November 1, 2020, other than those gatherings set forth in in paragraph numbers 1, 2, or 4, of Executive Order GA-28 (as amended) issued by Governor Greg Abbott. Events over 10 people but under 75 people are required to submit a Health and Safety Plan for the mayor to review and ultimately approve before moving forward.

At the October 19th city council meeting, the moratorium was extended to November 16, 2020.

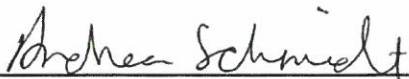
At the November 16th city council meeting, the moratorium was extended to December 31, 2020.

At the December 21st city council meeting, the moratorium was extended to February 28, 2021 with the following events approved to move forward: Hill Country Indian Artifact Show, Kid Fish, and St. Mary's Catholic Schools Week Parade.

At the February 1st city council meeting, health & safety plans for the four following events were reviewed and approved to move forward: Wanderlust Half Marathon, Redbud Artisan Market, Fredericksburg Farmers Market and the Wildflower Run.

Attachments:

Die Künstler von Fredericksburg Show Health & Safety Plan; DSHS COVID-19 Flyer



Department Approval



City Manager Approval



City Attorney Approval

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COVID-19 Health and Safety Policy:

Event:

Die Künstler von Fredericksburg's Spring Fling Art Sale is a not-for-profit art sale. It gives individual artist an opportunity to sell their artwork by renting a space at Adelsverein Halle. This is the 3rd year running the sale once a year.

Location:

Adelsverein Halle at Marktplatz has been reserved for April 10, 2021, from 8:00 am till 5:00 pm.

Pricing:

The event is open and free to the public. Artist vendors pay a booth fee to participate.

Event Organizer Contact Information:

Ruby Lee Clark and Louise Murphy are the event organizers and members of Die Künstler von Fredericksburg, Ruby Lee Clark, phone: 830-997-4789, Louise Murphy, phone:830-370-9141,

Since the virus causing Covid-19 can be spread to others by infected persons who have few or no symptoms, it is the policy of Die Künstler von Fredericksburg hereafter referred to as DK, that all vendors and visitors must abide by the following:

Booth spacing:

When setting up the show, all booths will be spaced apart so that there is room for customers to walk around them on 3 sides, to view the merchandise without being close to another customer, as the aisles will be at least 6 ft. wide.

Vendor capacity:

Booths will be limited to 30 booths in Adelsverein Halle.

Social distancing:

1. Although evidence indicates that the use of face coverings is effective to help prevent the spread of Covid-19, we require vendors and patrons of DK's Spring Fling Art Sale to maintain a distance of at least 6 feet between one another when at all possible.
2. Customers who form a line to any one booth, should separate from one another by at least 6 feet. Each vendor will be required to have a small sign on their table or hanging from their tent stating that face coverings are required.

Face coverings:

1. Face coverings are required to be worn by all vendors and any individuals within 6 feet of other customers or vendors. There are no exceptions to this policy.
2. Furthermore, face coverings must be worn appropriately: both the mouth and nose must be covered, and the covering is never to be removed or the position altered on the face while within 6 feet of other customers or vendors. The exceptions to this will be for people who become incapacitated, unconscious, or who suffer from some acute difficulty in breathing. If you have difficulty breathing at the onset of your visit, and cannot wear a mask, we ask that you refrain from entering.

Temperature checks:

Temperature checks will not be provided as the pavilions at the Marktplatz are open on all sides, making this unmanageable. There is no single point of entry.

We will ask vendors to self-screen at home before coming to the event and send home any vendor who has any of the following new or worsening signs or symptoms of possible COVID - 19:

Cough

Shortness of breath or difficulty breathing

Chills

Repeated shaking with chills

Muscle pain

Headache

Sore throat

Loss of taste or smell

Diarrhea

Feverish and measuring a temperature of greater than or equal to 100 degrees F.

Known close contact with a person who has tested positive for Covid-19 in the last 10 days.

Personal Protective Equipment (PPE):

PPE will not be provided but will be required of each vendor, event helpers, and patrons of Marktplatz.

We will have mask and hand sanitizer available for those people who do not show up with them. Signs stating that face coverings required will be posted on each side of the pavilions.

Announcements & signage about safety protocol:

Announcements will not be made at the event, as we will not have equipment enabling us to announce anything. We will place signs regarding COVID-19 protocols around each pavilion on the poles and the signage is attached to this plan.

Hand sanitizer:

Each vendor will have hand sanitizer available on their table for customers and will be asked to use hand sanitizer before and after handling a transaction.

Food and beverages:

Food & beverages will not be sold, so there will be no sampling to consider.

Public restrooms and hand-wash stations:

Restrooms and hand-washing stations/sinks are available at Marktplatz and are maintained by the City of Fredericksburg.

Event promotion/information:

When advertising for this event, safety protocols will be mentioned/listed for the public to see. All vendors will sign an application stating that they understand and agree to abide by the rules for the show.

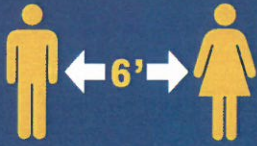
Event website:

dkfredericksburg.org

Social media site (Facebook):

[facebook.com/DK Fredericksburg](https://www.facebook.com/DK-Fredericksburg)

COVID-19: What to Do



Stay **6 feet away** from all people not in your household.



Wash hands often with soap and water for **20 seconds**.



When soap and water aren't available, use hand sanitizer with at least **60% alcohol**.



Wear a face covering in public.
Cover coughs and sneezes with a disposable tissue.



Avoid touching your eyes, nose, and mouth with unwashed hands.



Disinfect surfaces, buttons, handles, knobs and other places touched often.



If sick, get tested and then stay home.

COVID-19
CORONAVIRUS DISEASE 2019



TEXAS
Health and Human
Services

Texas Department of State
Health Services

updated 07/16/20
9:30 am

For updates and more information, visit dshs.texas.gov/coronavirus.

Dial:  or: Visit: 211texas.org

COVID-19 Mental Health Support Line:
1.833.986.1849

Future Agenda Items

City Council

March 1, 2021 Regular Meeting

City Council = Red

1st and 15th Regular Meetings @ 6p.m.

Planning & Zoning = Green 3-3-2021 @ 5:30 p.m.

Historic Review Board = Purple 3-9-2021 @ 5:30 p.m.

Board of Adjustment = Blue 3-11-2021 @ 5:30 p.m.

City Events = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Proclamation

Consent

1. 2-15-2021 City Council Regular Meeting Minutes

Ordinances

- 1.

Resolutions

Public Hearing

- 1.

Approvals-Misc.

1. Swimming Pool punch pass
2. Drainage Revenue Bond Relating to Flood Early Warning System
3. Grant Agreement with Texas Water Development Board

Presentations, Discussions and Updates:

- 1.

Executive Session

March 15, 2021

Regular Meeting

Proclamation

Consent

2. 2-15-2021 City Council Regular Meeting Minutes

Ordinances

1. Z-2101 John Needham for Zoning change (1st reading and possible waive of 2nd reading)

Resolutions

Public Hearing

1. Z-2101 John Needham for Zoning change
2. Z-2101 John Needham for 2 Land Use changes

Approvals-Misc.

1. Z-2101 John Needham for 2 Land Use changes

Presentations, Discussions and Updates:

1. Justin Calhoun's COVID-19 Metric's Update

Executive Session