



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, January 17, 2023 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Councilmember/Pro Tem

Sharon Joseph, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a regular session on January 17, 2023, at 9:00 a.m.. Link to City of Fredericksburg YouTube Channel (Fredericksburg, Texas USA - YouTube <https://www.youtube.com/c/FredericksburgTexasUSA>).

The City Council welcomes citizen participation and comments at all City Council Meetings on Agenda Items.

Comment Card for Written or Verbal Comments-submitted by 4:00 p.m. the day before the meeting.

- i. Complete the Comment Card online at www.fbgtx.org;
- ii. Make sure to check the appropriate box (verbal or written);
- iii. Only one (1) agenda item per Comment Card.

Sign up in person between 8:30 a.m. and 9:00 a.m. at the meeting location.

- i. Only one (1) agenda item per Comment Card;
- ii. Speakers will be limited to 3 minutes to speak. **Please Note:** The Mayor can reduce the number of minutes for any speaker during Public Comment on a single agenda item depending on the number of people who sign up for it.
- iii. Any citizen with handouts should provide them to the City Secretary before speaking. If you wish the City Council to receive your handouts for the meeting, please provide ten (10) copies; if not, the City Council will receive your handouts the following day.

1. CALL TO ORDER

2. INVOCATION

Bobby Vitek, Pastor Holy Ghost Lutheran Church, will provide the Invocation.

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

5. COUNCIL COMMENTS

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 THE CITY COUNCIL.

- A. Consider the approval of City Council Minutes for the January 3, 2023 Special Meeting.(Shelley Goodwin, TRMC/CMC, City Secretary).
- B. Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 7:00 a.m. until 7:00 p.m. for the City Hall Open House & Touch-A-Truck event scheduled for Thursday, March 23, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).
- C. Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 6:00 a.m. until 12:00 p.m., for the Wanderlust Half Marathon event scheduled for Saturday, March 25, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).
- D. Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett Street to N. Adams Street from 3 p.m. to 10 p.m. for the Fredericksburg Volunteer Fire Department Fish Fry scheduled for Saturday, April 15, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).
- E. Consider the approval of a Street Closure Request for Austin Street, from Crockett Street to Adams Street for the Vintage Motor Car Club of America scheduled for Tuesday, April 18, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).
- F. Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 6:00 a.m. until 11:00 a.m. for the Wildflower Run scheduled for Saturday, April 22, 2023, (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).
- G. Consider the approval of a Street Closure Request for the Crawfish Festival scheduled for Memorial Day weekend beginning Friday, May 26, 2023, until Sunday, May 28, 2023, for the following closure dates, times and streets
 - N. Adams Street - close the parking lane and one southbound lane adjacent to Marktplatz beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023; and
 - W. Austin Street - close the entire street from N. Crockett to N. Adams Street, beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the approval of a Conditional Use Permit requested by James Reichenau for property located at 111 E Schubert Street (Anna Hudson, Interim Director of Development Services)
 - i. Presentation
 - ii. Hold a Public Hearing to receive comments for or against the request
 - iii. Consider the approval of #Z-2230 Conditional Use Permit per Section 3.110 to operate a STR –Unoccupied in a R2 Zoned area located in the Historic District

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of a Construction Contract Award for the City of Fredericksburg Landfill Cell #9 (Garret Bonn, Assistant City Manager).
- B. Consider the approval of a Geosynthetics Contract Award for the City of Fredericksburg Landfill Cell #9 (Garret Bonn, Assistant City Manager).
- C. Consider the approval of a Professional Services (Construction Administration) for the City of Fredericksburg Landfill Cell #9 (Garret Bonn, Assistant City Manager).
- D. Consider the approval of a Professional Services Contract (Design) for the N. Llano Storm Sewer Project (Garret Bonn, Assistant City Manager).

9. CITY MANAGER'S REPORT

- A. Short-Term Rental (STR) Permitting and Code Enforcement Update
- B. Update on City Water Supply
- C. Employment Vacancies Update

10. ITEMS FOR FUTURE AGENDA

- A. Review the Future Agenda Spreadsheet (Clinton Bailey, City Manager).

11. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 12:30 p.m.. on January 10, 2023, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

/S/

Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg

CITY COUNCIL SPECIAL MEETING MINUTES TUESDAY, JANUARY 3, 2023 ~ ~ 9:00 A.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Sharon Joseph
Councilmember Tony Klein

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
William "Mick McKamie, Interim City Attorney
Garret Bonn, Assistant City Manager
Brian Vorauer, Police Chief
Eric Whiting, Director of Information Technology
Kris Kneese, Director of Public Works and Utilities
Andrea Schmidt, Parks & Recreation Director
Derek Seelig, Police Lieutenant
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Anna Hudson, Interim Director of Development Services
Lea Feuge, Public Information Officer
Leslie Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, January 3, 2023. He announced that a quorum had been met.

2. INVOCATION

Annette Bennett, City resident, provided the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

Clinton Bailey, City Manager, introduced Mick McKamie, Interim City Attorney.

Mick McKamie, Interim City Attorney, thanked the City Council for the opportunity to serve as the Interim City Attorney. He also provided a brief history of his career and of himself.

5. COUNCIL COMMENTS

Councilmember Watson wished everyone Happy New Year.

Mayor Hoover thanked everyone involved in the New Year's Eve event. He also thanked Jennifer Krupa, Assistant Parks Director/Special Events Coordinator, for her hard work on the New Years Eve event. He also thanked the City Council for their hard work in 2022 and looks forward to working together in 2023.

6. CONSENT

A. Consider the approval of the City Council Minutes for the December 20, 2022, Regular Meeting (Shelley Goodwin, City Secretary).

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to approve the December 20, 2022, City Council Regular Meeting Minutes. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Conditional Use Permit requested by Bethany McCullough for property located at 511 W. San Antonio Street (public hearing was held on December 20, 2022) (#Z-2228) (Anna Hudson, Interim Development Services Director)

i. Presentation

ii. Consider the approval of a Conditional Use Permit per Section 6.110 to expand the use of a non- conforming property.

Bethany McCullough, owner, provided a presentation on her Conditional Use Permit "CUP" request for the property located at 511 W. San Antonio Street. She also reviewed the history and the need for the request and felt that this request is grandfathered and should go under the 2018 Ordinance. She stated at the Planning and Zoning Commission meeting she wasn't able to articulate her request, and since then she has done some research. She noted that the request was for two units.

Anna Hudson, Interim Director of Development Services, reviewed the request. She also noted that the Planning and Zoning Commission denied the request, which will take a super majority to pass this CUP. She reviewed the issues the Planning and Zoning Commission discussed (surrounding area, the STRs in the area, square footage, and parking issues). She reviewed the differences in the CUP process in the 2018 and 2022 Ordinances.

The City Council discussed the grandfather issue and the reasons why the Planning and Zoning Commission denied the request (parking, lot square footage, and minimum impact on the area). They also discussed the support letters that applicants provided and whether they are STR owners and which properties someone lives in permanently. The 2022 Ordinance allows for the surrounding area to be reviewed.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to deny the Conditional Use Permit requested by Bethany McCullough for property located at 511 W. San Antonio Street. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider, discuss, and take action regarding a presentation on the Agenda Management processes (Shelley Goodwin, City Secretary).

Shelley Goodwin, City Secretary, gave a brief update on the new Agenda Management program.

Clinton Bailey, City Manager, provided the needs for the Agenda Management system and the benefits it will create for the public, City Council, and City staff.

8. CITY MANAGER'S REPORT

A. Short Term Rental (STR) Permitting and Code Enforcement Update

Clinton Bailey, City Manager, reported that the Code Enforcement Officers have been out sick for the last week. He also noted that there have been some minor violations which were made up of City residents and STR renters.

Chief Vorauer reported on noise ordinance complaints (fireworks and 1 loud noise). He reviewed the violations that occurred at two STRs. He also noted that the officers who go out on these calls make it a point to discuss with the renters about the rules which they admit they are aware of and violate anyway. He reported that in one violation the officers tried to contact of point of contact on record and 30 minutes later there was still no response.

Garret Bonn, Assistant City Manager, provided an update on Granicus, which did send a representative to Fredericksburg to work on issues. It was determined that Granicus was not the best fit going forward. They are looking at some parallel packages and other in-house solutions.

Clinton Bailey, City Manager, reported that Granicus has admitted that they have been part of the problem with communications and not providing the service that they promised. He noted that their software is not customizable and is not a good fit for Fredericksburg's needs.

Randy Briley, Task Force Member, stated he has done some research and Granicus has launched non-performance software. He reviewed the issues that Granicus created and said that we are paying full price and the staff is doing quite a large amount of work.

Clinton Bailey, City Manager, thanked the Task Force for all the work they have done and will be doing in the future.

9. ITEMS FOR FUTURE AGENDA

Clinton Bailey, City Manager, reviewed the Future Agenda spreadsheet.

Anna Hudson, Interim Director of Development Services, reviewed a Joint Meeting between the City Council and the Planning and Zoning Commission regarding the Comprehensive Planning Meeting on January 17, 2023, at noon.

Mayor Hoover requested that a discussion at the Joint Meeting include the clarification of the CUP process.

Tom Musselman, Planning and Zoning Commissioner, stated he feels a Joint Meeting to discuss the CUP process would be good. He feels the Commission is only able to work off the rules the City Council makes for them.

Tim Dooley, Planning and Zoning Commissioner, stated he feels that the rules need to be reviewed so, the Commission can apply them to requests.

Anna Hudson, Interim Director of Development Services, recommended allowing the Task Force and the new attorney to review the process.

Clinton Bailey, City Manager, stated there is a conflict with the February 7, 2023, City Council Special Meeting. He noted there is a Senior Official Workshop that day and it is unable to be changed.

The City Council agreed by consensus to move the Tuesday, February 7th Special Meeting to Wednesday, February 8th at 9:00 a.m.

11. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to adjourn the meeting at 10:22 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: January 17, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 7:00 a.m. until 7:00 p.m. for the City Hall Open House & Touch-A-Truck event scheduled for Thursday, March 23, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).

PRESENTATION:

SUMMARY:

The 4th annual City Hall Open House & Touch-A-Truck is scheduled for Thursday, March 23, 2023, from 3:30 p.m. to 7:00 p.m. Employees will be on-site with table displays to disseminate information about the department services they offer, to mingle with residents and host fun activities for children. Departments with vehicles, equipment, and large trucks will display them in a way so residents and children can view and “touch-a-truck” all while meeting the heroes and amazing staff that operate them. The event is family-friendly, hands-on, and educational.

In order to fit the city’s fleet into the event footprint and for the safety of our residents, the event committee is asking for City Council to approve a street closure request from 7:00 a.m. until 7:00 p.m. on W. Austin Street, from N. Crockett to N. Adams. An emergency access lane will remain open on W. Austin Street during the closure. If we wait to close the street until later in the afternoon, we will have vehicles parked within the event footprint.

BACKGROUND:

A street closure on W. Austin Street between N. Crockett and N. Adams has been approved for previous Touch-A-Truck events. The planning committee determined that W. Austin Street should close for set-up to keep vehicles from parking within the event footprint prior to the event start time of 3:30 p.m. In addition, in the event of inclement weather (or if the lot is too muddy to place heavy equipment) all departments using the grass lot will be moved onto Austin Street.

The event will encompass City Hall, existing City Hall parking lots, Kinder Halle, Austin Street between Crockett and Adams, and the grass parking lot owned by Bethany Lutheran Church. We estimate that close to 1,000 residents attended last year. We will be unable to use the parking lot behind City Hall Annex #1 due to construction at the NW corner of Marktplatz.

The Special Events Coordinator has received permission to use the grass parking lot owned by

Bethany Lutheran Church and they do not have any issues with the street closure request. The Special Events Coordinator also notified the church and San Saba Soap Company about the potential street closure in writing and since the soap company is not open on Thursdays, there is no conflict.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

(b) The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 7:00 a.m. on Thursday, March 23, 2023, and ending at 7:00 p.m. that evening for the City Hall Open House and Touch-A-Truck event.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure 2023_City Hall Open House

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: January 05, 2023

Laura Hollenbeak

Laura Hollenbeak, Finance Director

Date: January 05, 2023

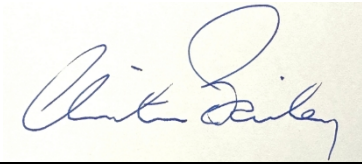
William McKamie, Interim City Attorney

Date: January 10, 2023

Shelley Goodwin

Shelley Goodwin, City Secretary

Date: January 10, 2023

A handwritten signature in blue ink, reading "Clinton Bailey", is positioned above a horizontal line.

Date: January 10, 2023

Clinton Bailey, City Manager

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	2023 City Hall Open House & Touch-A-Truck
Event Date(s):	Thursday, March 23, 2023
Contact Name:	Jennifer Krupa
Contact Phone:	(830) 990-2044

Closure Area:

☒ Entire Street
 ☐ Parking Lane Only
 ☐ Partial Street
 ☐ Blocking City owned property

Side of street: _____ (N,S,E,W) Side of street: _____ Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Austin Street	N. Crockett	N. Adams	March 23, 2023	7:00 a.m.	March 23, 2023	7:00 p.m.

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: December 7, 2022

Printed Name: Jennifer Krupa

Date: 12/7/2022

Signature: *Jennifer Krupa*

Date: 12/7/22

Street Department: A. Duvst via email

Date: 12/7/22

Police Department: D. Seelig via email

Date: 12/7/22

Parks Department: *Jennifer Krupa*

Date: 12/7/22

Jennifer Krupa

From: Layne Petty <layneblc@gmail.com>
Sent: Thursday, December 8, 2022 11:42 AM
To: Jennifer Krupa
Subject: Re: 2023 City Hall Open House & Touch-A-Truck: street closure and lot usage

We have nothing of note scheduled that day, so this should be fine. I have you penciled in for use of the Hennig Lot.

On Thu, Dec 8, 2022 at 11:39 AM Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Hi Layne,

Lots of emails between us lately so this is not a rush. I am sure y'all are busy getting ready for this weekend's Christmas Journey.

I wanted to inform you that the City is planning to have our 4th annual City Hall Open House and Touch-A-Truck event on Thursday, March 23, 2023, from 3:30 PM – 7:00 PM. We are requesting permission from City Council to close W. Austin from N. Crockett to N. Adams from 7:00 AM – 7:00 PM. The request is scheduled for City Council consideration on Tuesday, January 17, 2023. The reason for the longer closure is because town is so busy, if we wait to close the street later in the afternoon, Austin Street is filled with cars and they end up in the event layout. Plus, with the construction beginning on the NW corner of Marktplatz to add the new meeting room, we are going to have to place some trucks and activities on Austin Street.

I would also like to ask permission to use the grass lot on the corner of Crockett and Austin, as we have in the past?

Please let me know if you need any additional information. If I don't hear back from you, have a Merry Christmas!

Thank you!

Jennifer

Jennifer Krupa

Special Events Coordinator

City of Fredericksburg

126 W Main St
Fredericksburg, Texas 78624

(830) 990-2044

jkrupa@fbgtx.org

City Mission: We're leading with integrity while providing the best customer services to our community.



Jennifer Krupa

From: San Saba Soap Co. <sales@sansabasoap.com>
Sent: Thursday, December 8, 2022 12:15 PM
To: Jennifer Krupa
Subject: Re: 2023 City Hall Open House & Touch-A-Truck: street closure

Hi Jennifer, our store isn't open so no need for cones. Thank you!

Leanne Holley
San Saba Soap Company
SAN SABA ALCHEMIC | CUSTOM
sales@sansabasoap.com
102 W Austin Street, Fredericksburg Texas 78624

We meet creatives at the intersection of needs, dreams, philosophy and science to craft a fragrant experience beyond the knowable.

From: Jennifer Krupa <jkrupa@fbgtx.org>
Sent: Thursday, December 8, 2022 12:06 PM
To: San Saba Soap Co. <sales@sansabasoap.com>
Subject: 2023 City Hall Open House & Touch-A-Truck: street closure

Dear San Saba Soap Company,

I know you are receiving a few street closure request emails and I wanted to explain. We attempt to get all street closure requests for the first half of the year done in January so that events can continue to move forward with logistics, etc. There will be more coming in the spring and just a few over the summer.

I also wanted to inform you that the City is planning to have our 4th annual City Hall Open House and Touch-A-Truck event on Thursday, March 23, 2023, from 3:30 PM – 7:00 PM. We are requesting permission from City Council to close W. Austin from N. Crockett to N. Adams from 7:00 AM – 7:00 PM. The request is scheduled for City Council consideration on Tuesday, January 17, 2023. The reason for the closure is because town is so busy, if we wait to close the street later in the afternoon, Austin Street is filled with cars and they end up in the event layout. Plus, our event extends out onto the street and also uses the grass parking lot owned by Bethany Lutheran Church at the corner of Crockett and Austin. We want families to be able to cross the street without traffic.

The closure will affect the parking area in the front of your business so I have asked our streets division to please allow space in front of your store to add cones with signs for "San Saba Soap Company Customer Parking." We will place the barricades just west of the intersection at Adams and Austin so that your customers have a place to park and turn around to exit. I will be responsible for ensuring the cones and parking spaces are added in front of your business on that day.

If you have any concerns or questions about this closure, please let me know. I would be happy to come meet with you in person to discuss. If I don't hear back from you, have a Merry Christmas!

Thank you!
Jennifer

Jennifer Krupa
Special Events Coordinator

City of Fredericksburg
126 W Main St
Fredericksburg, Texas 78624
(830) 990-2044
jkrupa@fbgtx.org

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CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: January 17, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 6:00 a.m. until 12:00 p.m., for the Wanderlust Half Marathon event scheduled for Saturday, March 25, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).

PRESENTATION:

SUMMARY:

The Wanderlust Half Marathon is taking place on Saturday, March 25, 2023, at Marktplatz. The race also includes a 10K and 5K. Wanderlust has taken place at Marktplatz since 2018, and with each race, the number of runners has increased. In 2022, the official race results included approximately 1,000 runners.

The event organizers (Bart Childers and Tony Garcia), in consultation with the police department and special events coordinator, are asking for City Council to approve a street closure request from 6:00 a.m. until 12:00 p.m., on W. Austin Street, from N. Crockett to N. Adams on the day of the race. The half marathon begins at 8:01 a.m., the 10K at 8:45 a.m., and the 5K at 9:01 a.m. Closing the street at 6 a.m. will help to eliminate participants in the 10K/5K races from parking on Austin Street and then trying to back out and leave while the half marathon runners are returning on Austin Street to the finish line.

An emergency access lane will remain open on W. Austin Street during the closure.

BACKGROUND:

This is a first-time street closure request for the Wanderlust Half Marathon, 10K, and 5K. After attending the 2022 event and speaking with Chief Vorauer, it was agreed that a street closure is needed for runner safety. An email was sent to the event organizers notifying them of the future requirement on March 30, 2022.

The event organizers notified Bethany Lutheran Church and San Saba Soap Company via email and did not receive any negative feedback with the street closure request.

The streets division will deliver the closure equipment on Friday, March 24, 2023, at the intersections and the special events coordinator and patrol will assist with the 6 a.m. closure on Saturday morning. The event organizers will be responsible to remove the equipment at noon on the event day and place the equipment on the side of Austin Street for pick-up by the streets division on Monday, March 27, 2023.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

(b) The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 6:00 a.m. on Saturday, March 25, 2023, and ending at 12:00 p.m., for the Wanderlust Half Marathon.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure 2023_Wanderlust

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: January 05, 2023

William McKamie, Interim City Attorney

Date: January 10, 2023



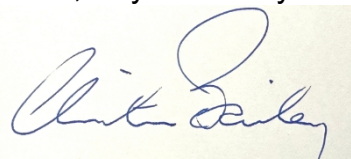
Laura Hollenbeak, Finance Director

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

SPECIAL EVENTS - STREET CLOSURE REQUEST FORM; PAGE 9



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Wanderlust Half Marathon, 10k and 5k
Event Date(s):	3/25/2023
Contact Name:	Bart Childers
Contact Phone:	() 210-849-8275

Closure Area:

☒ Entire Street ☐ Parking Lane Only ☐ Partial Street ☐ Blocking City owned property
 Side of street: (N,S,E,W) Side of street: Location:

Additional details (attach additional pages as needed for more streets and describe details of use below):

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example: Austin Street	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
w.Austin st	n adams	n crockett	3/25/2023	6am	3/25/2023	noon

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: 12-8-2022

Printed Name: Bart Childers

Signature: Bart Childers

Date: 12/8/2022

Street Department: via email - G. Durst

Date: 12-9-22

Police Department: via email - Lt. Seelig

Date: 12-9-22

Parks Department: J. Be KP

Date: 12-8-22

March 30, 2022

Hey Bart & Tony,

I drove the half marathon route this morning and everything looks great. I am going to process your deposit refund today.

In looking at the race results, I calculated almost 1,000 runners/walkers in all of the races combined. I have spoken with Lt. Brian Vorauer and he and I agree that a street closure is warranted for 2023. We would ask that you submit the street closure request form found on page 9 of the special event application, and ask for W. Austin Street between N. Adams and N. Crockett to be closed from 6:00 a.m. until noon. It will require you to alert Bethany Lutheran Church and San Saba Soap Company of the closure and provide me with any written correspondence (email addresses below). We would take the street closure to City Council for approval at the 2nd meeting in January, if you plan to continue with a March race.

Contacts:

(1) Bethany Lutheran Church, Layne Petty
layneblc@gmail.com

(2) Leanne Holley
San Saba Soap Company
sales@sansabasoap.com
<http://www.sansabasoap.com>

I would need your special event application with the street closure request completed and the written correspondence from the church and soap company no later than **Friday, December 21, 2022**. The meeting will be held on Tuesday, Jan. 17th at 9:00 a.m., as the 16th is a City holiday. Any chance you have a date in mind for 2023? We have you booked for Saturday, March 23, 2023.

The closure would prohibit participants and tourists from parking in that area and then backing out and trying to leave during the other races. You can use that area for staging equipment, etc. Please let me know if you have any questions. Attached is a fillable, special event application.

Thank you,
Jennifer

Jennifer Krupa

From: Bart Childers <bart@scallywompus.com>
Sent: Thursday, December 8, 2022 3:39 PM
To: Jennifer Krupa; Tony Garcia
Subject: Fwd: road closure for running event on 3.25.2023 6am to noon.

Bart Childers
Sallywompus Events
210-849-8275
Www.scallywompus.com

"Come for race, stay for the party!"

Begin forwarded message:

From: "San Saba Soap Co." <sales@sansabasoap.com>
Date: December 8, 2022 at 3:23:43 PM CST
To: Bart Childers <bart@scallywompus.com>
Subject: Re: road closure for running event on 3.25.2023 6am to noon.

Ok thanks!

Leanne Holley
San Saba Soap Company
SAN SABA ALCHEMIC | CUSTOM
sales@sansabasoap.com
102 W Austin Street, Fredericksburg Texas 78624

We meet creatives at the intersection of needs, dreams, philosophy and science to craft a fragrant experience beyond the knowable.

From: Bart Childers
Sent: Thursday, December 8, 2022 1:22 PM
To: San Saba Soap Co.
Cc: Tony Garcia
Subject: road closure for running event on 3.25.2023 6am to noon.

Leanne,

We are having our annual running event on 3/25/2023. This year we are asking to close the road w. Austin street between N Adams and N Crockett. We wanted to let you know in advance. Please let me know any concerns.

This will be from 6am until noon on that date, 3/25/2023

Bart Childers
www.scallywompus.com
bart@scallywompus.com
[210-849-8275](tel:210-849-8275)

On Dec 8, 2022, at 2:00 PM, Layne Petty <layneblc@gmail.com> wrote:

Which running event is this for?
And what times will the road be closed?

I only ask because we have a wedding that day.

On Thu, Dec 8, 2022 at 1:21 PM Bart Childers <bart@scallywampus.com> wrote:
Layne,

We are having our annual running event on 3/25/2023. This year we are asking to close the road w. Austin street between N Adams and N Crockett. We wanted to let you know in advance. Please let me know any concerns.

This will be from 6am until noon on that date, 3/25/2023

Bart Childers
www.scallywampus.com
bart@scallywampus.com
210-849-8275

On Dec 9, 2022, at 8:34 AM, Layne Petty <layneblc@gmail.com> wrote:

This should be fine.

What is the name of the event?

I would like to note it on our calendar.

On Thu, Dec 8, 2022 at 3:40 PM Bart Childers <bart@scallywampus.com> wrote:

Layne. Let me know. We will have the barricades down by 1pm at the latest . We will put a volunteer there to open and close to help your people come and go from 7am on. Is that ok?

Bart Childers

Scallywampus Events

210-849-8275

www.scallywampus.com

"Come for race, stay for the party!"



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: January 17, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett Street to N. Adams Street from 3 p.m. to 10 p.m. for the Fredericksburg Volunteer Fire Department Fish Fry scheduled for Saturday, April 15, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).

PRESENTATION:

SUMMARY:

The 2023 Fredericksburg Volunteer Fire Department (FVFD) Fish Fry is taking place at Marktplatz on Saturday, April 15, 2023. Paul Hanneman, president, has submitted a street closure request to have W. Austin Street, from N. Crockett Street to N. Adams Street closed from 3 p.m. to 10 p.m., in order to service the drive-thru lines.

BACKGROUND:

Due to the construction on the NW corner of Marktplatz, the FVFD is preparing to adjust the fish fry layout and drive-thru lines. They have asked the street department to deliver cones and closure equipment on Friday, April 14, 2023. The FVFD would block the parking spaces on the north and south sides of W. Austin Street first thing Saturday (April 15, 2023) morning. Then at 3 p.m., members of the FVFD would be responsible for setting the street closed signs and barricades at the intersections of W. Austin and Adams and W. Austin and Crockett streets. This way, traffic will be able to flow throughout the day on W. Austin Street until the closure is needed at 3 p.m. At 10 p.m., the FVFD would remove the barricades and street closed signs and set them on the side of W. Austin Street, as well as the cones used to block parking spaces to wait for pick-up by the streets division on Monday, April 17, 2023.

The event organizer contacted both Bethany Lutheran Church and San Saba Soap Company about the requested closure and at the time of this memo, only Bethany Lutheran Church responded and the response is attached.

There is a small chance that this street closure may not be needed. However, we are asking City Council for their approval by the required deadlines in case the closure is necessary.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

(b) The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 3:00 p.m. on Saturday, April 15, 2023, and ending at 10:00 p.m., for the Fredericksburg Volunteer Fire Department Fish Fry.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure 2023_FVFD Fish Fry

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: January 05, 2023



Laura Hollenbeak, Finance Director

Date: January 05, 2023

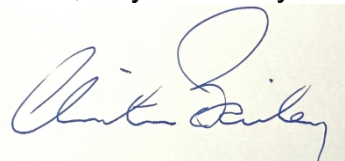
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

SPECIAL EVENTS STREET CLOSURE REQUEST



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 also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Fredericksburg Volunteer Fire Department Fish Fry
Event Date(s):	April 15, 2023
Contact Name:	Paul Hannemann
Contact Phone:	(979) 218-2401

Closure Area:

☒ Entire Street
 ☐ Parking Lane Only
 ☐ Partial Street
 ☐ Blocking City owned property
 Side of street: _____ (N,S,E,W) Side of street: _____ Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):

We would like to request for the parking spaces on the north and south side of Austin Street to be coned off

until we need to shut the entire street down. That way, traffic can flow until the actual closure.

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
W. Austin Street	Adams	Crockett	Sat., 4/15/2023	3:00 P.M.	Sat., 4/15/2023	10:00 P.M.

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. **Attach a copy of the notification letter and a list of addresses the letter will be sent to.**

Date notice provided: Email to San Saba and Bethany Lutheran Church

Printed Name: Paul Hannemann

Signature:

Date: _____

Date: 11/16/22

Street Department: A. Durst via email

Date: 12-9-22

Police Department: Lt. Seelig via email

Date: 11/29/22

Parks Department: Jeifer Kuy

Date: 11-17-2022

From: [Hannemann, Paul F.](#)
To: [Jennifer Krupa](#); [Luke Smith](#)
Subject: Fwd: [External] Re: FVFD Fish Fry 2023 Coordination
Date: Wednesday, December 14, 2022 4:23:56 PM

FYI

Paul Hannemann
708 W. Austin St
Fredericksburg, TX. 78624
Phone : 979-218-2401

Please excuse any grammar mistakes, this was sent from my iPhone.

Begin forwarded message:

From: Layne Petty <layneblc@gmail.com>
Date: December 14, 2022 at 12:25:51 PST
To: "Hannemann, Paul F." <phannemann@tfs.tamu.edu>
Subject: [External] Re: FVFD Fish Fry 2023 Coordination

I do not see anything currently scheduled. This should be fine. I have penciled it in on our church calendar.

On Wed, Dec 14, 2022 at 1:02 PM Hannemann, Paul F.
<phannemann@tfs.tamu.edu> wrote:

Layne,

I need to touch base regarding the FVFD plan to hold our 2023 Annual Fish Fry event on Saturday, April 15th. We are planning to close the 100 block of West Austin to be able to provide a drive through for To-Go plates as we did last year. Additionally, we are planning to have in-person feeding under the Large Hall.

Do you see any issues with operations at Bethany on this date?

Greatly appreciate your assistance as in the past.

Respectfully,



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: January 17, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of a Street Closure Request for Austin Street, from Crockett Street to Adams Street for the Vintage Motor Car Club of America scheduled for Tuesday, April 18, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).

PRESENTATION:

SUMMARY:

The 2023 Vintage Motor Car Club of America (VMCCA) Chrome Glidden Tour is taking place in Fredericksburg on Tuesday, April 18, 2023. The VMCCA has submitted a special events application to rent Adelsverein Halle on Tuesday, April 18, 2023. The club has submitted a street closure request to have Austin Street, from Crockett Street to Adams Street, closed so that the participants antique vehicles can be parked there as a car display. There are 80-100 vehicles anticipated. The community will be invited to look at the cars from 5:00-7:00 p.m.

BACKGROUND:

This is a first-time request from the VMCCA to host an event at Marktplatz and close W. Austin Street. If approved, the streets division would install the equipment needed to close the street and the event organizer would be responsible to safely reopen the street and place the equipment on the curb for pick-up on Wednesday morning.

The event organizer contacted both Bethany Lutheran Church and San Saba Soap Company about the requested closure and both businesses approved and their responses are attached to this memo.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:
Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

- (a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.
- (b) The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 7:00 a.m. on Tuesday, April 18, 2023, and ending at 9:00 p.m., for the VMCCA Chrome Glidden Tour.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure 2023_Vintage Motor Car Club

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: January 05, 2023



Laura Hollenbeak, Finance Director

Date: January 05, 2023

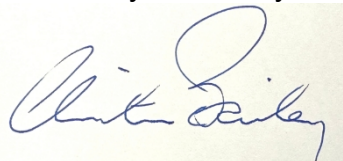
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	2023 VMCCA Chrome Glidden Tour
Event Date(s):	April 18, 2023 (Tuesday)
Contact Name:	Liz Lindig
Contact Phone:	(830) 285-4071

Closure Area:

☒ Entire Street

☐

Parking Lane Only

☐

Partial Street

☒

Blocking City owned property

Side of street: _____

(N,S,E,W)

Side of street: _____

Location: Austin St

Additional details (attach additional pages as needed for more streets and describe details of use below):

Austin Street from Adams Street to Crockett Street
to park approx 100 antique cars in 4 rows on street.

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Austin St	Crockett St	Adams St	Tues, 4/18/23	7:00 AM	Tues, 4/18/23	9:00 PM

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Bethany Lutheran Church, San Saba Soap Company

Date notice provided: _____

Printed Name:

Liz Lindig

Date:

5/11/2022

Signature:

Elizabeth Lindig

Date:

5/11/2022

Street Department:

G. Durst via email

Date:

11-15-22

Police Department:

Lt. Seelig via email

Date:

11-15-22

Parks Department:

Feiber KD

Date:

11-15-2022

From: [Elizabeth Lindig](#)
To: [Jennifer Krupa](#)
Subject: Fwd: Austin Street Closure on April 18, 2023
Date: Monday, November 14, 2022 4:27:35 PM

Hopefully you receive the reply from Layne Petty giving approval from Bethany Lutheran Church. --Liz Lindig

----- Forwarded message -----

From: Layne Petty <layneblc@gmail.com>
Date: Thu, Nov 10, 2022 at 9:27 AM
Subject: Re: Austin Street Closure on April 18, 2023
To: Elizabeth Lindig <elindig70@gmail.com>

April 18th 2023 appears to be a Tuesday. If this is correct I do not foresee any issues with Austin Street being closed to thru traffic that day.

Layne Petty
Church Administration
Bethany Lutheran Church
110 W. Austin St.
Fredericksburg, TX. 78624
830-997-2069

On Tue, Nov 8, 2022 at 3:32 PM Elizabeth Lindig <elindig70@gmail.com> wrote:
Hi Layne and Bethany Lutheran Church Council,

Time is quickly approaching for the 2023 VMCCA Chrome Glidden Tour in Fredericksburg, TX that the Fredericksburg Vintage Car Club is hosting. I sent a letter to you in May 2022 sharing the information about the event we plan to have at Adelsverein Halle on Tuesday, April 18, 2023. We have submitted a formal request to the City of Fredericksburg to have Austin Street, from Crockett Street to Adams Street, closed so that the participants' antique vehicles can be parked there as a car display. The community will be invited to look at our cars from 5:00-7:00 p.m.

The City of Fredericksburg is requesting I submit to them any written response from you by mid-December. I would appreciate a reply by December 1, hopefully in the affirmative, that there would not be any major issues to Bethany Lutheran Church and the PreSchool with Austin Street being closed on April 18, 2023.

Thank you for your reply and we invite you to publicize to your members to come view our antique cars on the evening of April 18 on Austin Street.

Sincerely,
Liz Lindig,
2023 VMCCA Chrome Glidden Tour Chairperson

From: [Elizabeth Lindig](#)
To: [Jennifer Krupa](#)
Subject: Fwd: Austin Street Closure on April 18, 2023
Date: Tuesday, November 8, 2022 3:52:30 PM

Hi Jennifer, here is the reply I just received from the San Saba Soap Company. I will forward to you the reply from Bethany as soon as I get it. --Liz Lindig

----- Forwarded message -----

From: **Elizabeth Lindig** <elindig70@gmail.com>
Date: Tue, Nov 8, 2022 at 3:48 PM
Subject: Re: Austin Street Closure on April 18, 2023
To: San Saba Soap Co. <sales@sansabasoap.com>

Awesome! See you on April 18th! --Liz Lindig

On Tue, Nov 8, 2022 at 3:47 PM San Saba Soap Co. <sales@sansabasoap.com> wrote:

No problem! We look forward to it!

Leanne Holley
San Saba Soap Company
SAN SABA ALCHEMIC | CUSTOM
sales@sansabasoap.com
102 W Austin Street, Fredericksburg Texas 78624

We meet creatives at the intersection of needs, dreams, philosophy and science to craft a fragrant experience beyond the knowable.

From: Elizabeth Lindig <elindig70@gmail.com>
Sent: Tuesday, November 8, 2022 3:37 PM
To: San Saba Soap Co. <sales@sansabasoap.com>
Subject: Austin Street Closure on April 18, 2023

Hi Leanne,

Time is quickly approaching for the 2023 VMCCA Chrome Glidden Tour in Fredericksburg, TX that the Fredericksburg Vintage Car Club is hosting. I sent a letter to you in May 2022 sharing the information about the event we plan to have at Adelsverein Halle on Tuesday, April 18, 2023. We have submitted a formal request to the City of Fredericksburg to have Austin Street, from Crockett Street to Adams Street, closed so that the participants' antique vehicles can be parked there as a car display. The community will be invited to look at our cars from 5:00-7:00 p.m.

The City of Fredericksburg is requesting I submit to them any written response from you by mid-December. I would appreciate a reply by December 1, hopefully in the affirmative, that there would not be any major issues to San Saba Soap Company with Austin Street being closed on April 18, 2023.

Thank you for your reply and we invite you to come view our antique cars on the evening of April 18 on Austin Street.

Sincerely,
Liz Lindig,
2023 VMCCA Chrome Glidden Tour Chairperson



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: January 17, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 6:00 a.m. until 11:00 a.m. for the Wildflower Run scheduled for Saturday, April 22, 2023, (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).

PRESENTATION:

SUMMARY:

The Wellness Center's Wildflower Run is taking place on Saturday, April 22, 2023, at Marktplatz. The event organizers, in consultation with the police department and special events coordinator, are asking for City Council to approve a street closure from 6:00 a.m. until 11:00 a.m., on W. Austin Street, from N. Crockett to N. Adams on the day of the race. Closing the street at 6 a.m. will help to eliminate participants in the race from parking on Austin Street and then trying to back out and leave while the participants are returning on Austin Street to the finish line.

An emergency access lane will remain open on W. Austin Street during the closure.

BACKGROUND:

The Wildflower Run has approximately 300 runners in both a 5K and 10K run and walk. City Council has approved similar street closure requests for the past four years to assist with participant safety. The event organizers notified Bethany Lutheran Church and San Saba Soap Company via email and did not receive any negative feedback about the street closure request.

The streets division will deliver the closure equipment on Friday, April 21, 2023, at the intersections and the special events coordinator and patrol will assist with the 6 a.m. closure on Saturday morning. The event organizers will be responsible for removing the equipment at 11 a.m. on the event day and placing the equipment on the side of Austin Street for pick-up by the streets division on Monday, April 24, 2023.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for

more than 90 days, nor shall it be effective until approved by the City Manager.

(b) The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 6:00 a.m. on Saturday, April 22, 2023, and ending at 11:00 a.m., for the Wildflower Run.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure 2023_Wildflower Run

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: January 05, 2023



Laura Hollenbeak, Finance Director

Date: January 05, 2023

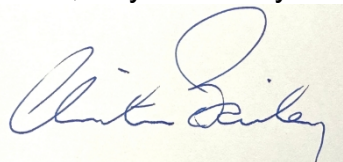
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

SPECIAL EVENTS STREET CLOSURE REQUEST FORM; PAGE 9



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 also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Wellness Center Present Wildflower Run & Walk 2023
Event Date(s):	April 22, 2023
Contact Name:	Jessie Aleman
Contact Phone:	(830) 456-0061

Closure Area:

☒ Entire Street
 ☐ Parking Lane Only
 ☒ Partial Street
 ☐ Blocking City owned property

Side of street: _____ (N,S,E,W) Side of street: _____ Location: Marktplatz- Adelsverein Hall

Additional details (attach additional pages as needed for more streets and describe details of use below):

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example: Austin Street	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
W Austin Street	N Crockett Street	N Adams Street	April 22, 2023	6:00AM	April 22, 2023	11:00am

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: November 22, 2022

Printed Name: Jessie Aleman

Signature: _____

Date: 11/22/2022

Street Department: A. Duvst via email

Date: 12-11-22

Police Department: Lt. Seelig via email

Date: 12-13-22

Parks Department: Jeifer K

Date: 12-13-22

Aleman, Jesse

To: Layne Petty
Subject: RE: [External] Re: Wildflower Run & Walk 2023

Thank you

Jessie Aleman, Operations Supervisor
HCM Wellness Center
1006 S State Hwy 16
Fredericksburg, Texas 78624
jaleman@hillcountrymemorial.org
830-997-1355 ext. 1510

From: Layne Petty [mailto:layneblc@gmail.com]
Sent: Tuesday, November 22, 2022 11:35 AM
To: Aleman, Jesse <jaleman@hillcountrymemorial.org>
Subject: [External] Re: Wildflower Run & Walk 2023

Warning! This message originated from outside HCM. Avoid clicking unknown links and NEVER enter your info in an unknown website.

[Allow sender](#) | [Block sender](#)

Good morning Jesse. I do not see any issue with Austin Street being closed. We do have a luncheon for our church ladies that day so our parking lots will likely be blocked off to accommodate their parking needs.

Layne Petty
Bethany Lutheran Church

On Tue, Nov 22, 2022 at 11:18 AM Aleman, Jesse <jaleman@hillcountrymemorial.org> wrote:

Good Morning –

This is Jessie Aleman with HCM Wellness Center. I am emailing you to discuss The Wildflower Run & Walk that we have been doing for the past 30 years with a street closure on W Austin from N Crockett to N Adams. The street would be closed down in front of your Church from 6am-11am on Saturday, April 22, 2023. I am emailing you to see if we can proceed with the street closure for The Wildflower Run & Walk 2023? I would be glad to speak to someone and give more information about the run. You can reach me at 830-997-1355 ext. 1510

Jessie Aleman, Operations Supervisor
HCM Wellness Center
1006 S State Hwy 16

Aleman, Jesse

From: San Saba Soap Co. <sales@sansabasoap.com>
Sent: Tuesday, November 22, 2022 12:44 PM
To: Aleman, Jesse
Subject: [External] Re: Wildflower Run & Walk 2023

Warning! This message originated from outside HCM. Avoid clicking unknown links and NEVER enter your info in an unknown website.

[Allow sender](#) | [Block sender](#)

Love the run! No worries from us ☺

Leanne Holley
San Saba Soap Company
SAN SABA ALCHEMIC | CUSTOM
sales@sansabasoap.com
102 W Austin Street, Fredericksburg Texas 78624

We meet creatives at the intersection of needs, dreams, philosophy and science to craft a fragrant experience beyond the knowable.

From: Aleman, Jesse <jaleman@hillcountrymemorial.org>
Sent: Tuesday, November 22, 2022 11:16 AM
To: San Saba Soap Co. <sales@sansabasoap.com>
Subject: Wildflower Run & Walk 2023

Good Morning –

This is Jessie Aleman with HCM Wellness Center. I am emailing you to discuss The Wildflower Run & Walk that we have been doing for the past 30 years with a street closure on W Austin from N Crockett to N Adams. The street would be closed down in front of your store in Fredericksburg, Texas from 6am-11am on Saturday, April 22, 2023. I am emailing you to see if we can proceed with the street closure for The Wildflower Run & Walk 2023? I would be glad to speak to someone and give more information about the run. You can reach me at 830-997-1355 ext. 1510

Jessie Aleman, Operations Supervisor
HCM Wellness Center
1006 S State Hwy 16
Fredericksburg, Texas 78624
jaleman@hillcountrymemorial.org
830-997-1355 ext. 1510

This email message and any attachments are for the sole use of the intended recipient(s) and contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message and any attachments.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: January 17, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of a Street Closure Request for the Crawfish Festival scheduled for Memorial Day weekend beginning Friday, May 26, 2023, until Sunday, May 28, 2023, for the following closure dates, times and streets

- N. Adams Street - close the parking lane and one southbound lane adjacent to Marktplatz beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023; and
 - W. Austin Street - close the entire street from N. Crockett to N. Adams Street, beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).
-

PRESENTATION:

SUMMARY: The Fredericksburg Jaycees' annual Crawfish Festival is taking place on Memorial Day weekend beginning Friday, May 26, 2023, until Sunday, May 28, 2023, at Marktplatz. The event organizers, in consultation with the police department and special events coordinator, are asking the City Council to approve the following street closures:

- N. Adams Street: Request to close the parking lane and one southbound lane adjacent to Marktplatz beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023; and
- W. Austin Street: Request to close the entire street from N. Crockett to N. Adams Street, beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023.

An emergency access lane will remain open on W. Austin Street during the closure.

BACKGROUND:

City Council has approved similar street closure requests for the past four years. The event organizers notified Bethany Lutheran Church and San Saba Soap Company via email and did not receive any negative feedback about the street closure request.

The streets division will close both W. Austin Street and the lanes on Adams Street on Friday morning. The event organizers will be responsible for removing the equipment at 10 p.m. Sunday and placing the equipment on the side of each street for pick-up by the streets division on Tuesday, May 30, 2023, due to Monday being a holiday.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

(b) The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION: Recommend City Council consider a motion to approve closing the following for the 2023 Crawfish Festival:

- N. Adams Street: the parking lane and one southbound lane adjacent to Marktplatz beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023.
- W. Austin Street: the entire street from N. Crockett to N. Adams Street, beginning at 7:00 a.m. on Friday, May 26, 2023, and reopen at 10:00 p.m. on Sunday, May 28, 2023.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure 2023_Crawfish Festival

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: January 05, 2023



Laura Hollenbeak, Finance Director

Date: January 05, 2023

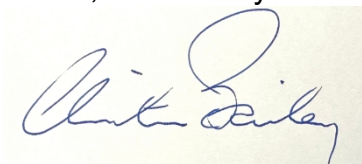


Shelley Goodwin, City Secretary

Date: January 10, 2023

Date: January 10, 2023

William McKamie, Interim City Attorney

A handwritten signature in blue ink, appearing to read "Clinton Bailey", is written on a small, rectangular, light-colored piece of paper. The signature is fluid and cursive.

Date: January 10, 2023

Clinton Bailey, City Manager

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Fredericksburg Jaycees Crawfish Festival
Event Date(s):	May 26-28, 2023
Contact Name:	Rebecca Hoffmann
Contact Phone:	(830) 456-2698

Closure Area:

☒ Entire Street
 ☒ Parking Lane Only
 ☒ Partial Street
 ☐ Blocking City owned property

Side of street: West (N,S,E,W)
 Side of street: West
 Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):

Austin Street will be fully closed street and Adams Street will have the parking lane and one Southbound lane closed

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4-2-21	6:00 PM	Sunday, 4-4-21	12:00 PM
Austin Street	Crockett Street	Adams Street	Friday 5/26/23	8:00 am <i>JK</i>	Sunday 5/28/23	10:00 pm
Adams Street	Main Street	Austin Street	Friday 5/26/23	8:00 am <i>JK</i>	Sunday 5/28/23	10:00 pm

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: Dec. 19, 2022

Printed Name: R. Hoffmann

Date: 12-19-22

Signature: _____

Date: _____

Street Department: A. Durst via email

Date: 12-20-22

Police Department: Lt. Seelig via email

Date: 12-20-22

Parks Department: Jasper Kyp

Date: 12-19-22



Austin Street Merchant,

The Fredericksburg Jaycees are in the process of planning our annual Crawfish Festival May 26th to May the 28th 2023. As you may know, we must go to City Council to request either a Street Closure or a Lane Closure. This year we are seeking a parking lane closure and ONE south bound lane closure on the Adams Street side of Market Platz and the Parking Lanes, West and East bound lanes on the Austin Street side. The goal of the Fredericksburg Jaycees is to work with the merchants on both streets amicably.

Please feel free to contact me if there are any questions or concerns and I will be glad to work with you. Your signature below confirms that you have received a verbal and written notice, as well as a map showing the street closure intentions of the Fredericksburg Jaycees.

Thank You:

Sherri Bumpas
Jaycees Treasurer
830-998-9177

Signature : Bethany Lutheran Church

Print : Bethany Lutheran Church



Austin Street Merchant,

The Fredericksburg Jaycees are in the process of planning our annual Crawfish Festival May 26th to May the 28th 2023. As you may know, we must go to City Council to request either a Street Closure or a Lane Closure. This year we are seeking a parking lane closure and ONE south bound lane closure on the Adams Street side of Market Platz and the Parking Lanes, West and East bound lanes on the Austin Street side. The goal of the Fredericksburg Jaycees is to work with the merchants on both streets amicably.

Please feel free to contact me if there are any questions or concerns and I will be glad to work with you. Your signature below confirms that you have received a verbal and written notice, as well as a map showing the street closure intentions of the Fredericksburg Jaycees.

Thank You:

Sherri Bumpas
Jaycees Treasurer
830-998-9177

Signature : San Saba Soap Company

Print : San Saba Soap Company



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services
TO: Mayor & City Council Members
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: January 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of a Conditional Use Permit requested by James Reichenau for property located at 111 E Schubert Street (Anna Hudson, Interim Director of Development Services)

- i. Presentation
- ii. Hold a Public Hearing to receive comments for or against the request
- iii. Consider the approval of #Z-2230 Conditional Use Permit per Section 3.110 to operate a STR – Unoccupied in a R2 Zoned area located in the Historic District

PRESENTATION:

SUMMARY:

The Applicant is requesting a Conditional Use Permit per Sec. 3.110 of the Zoning Ordinance to operate the property as a STR-Unoccupied. The subject tract lies within an R2 zoned area within the Historic District and is located on the southwest corner of the intersection of East Schubert and North Llano. The proposed development would include a 2 bedroom short-term rental unit within the main structure. The existing guest house would not be used as a short-term rental. The applicant is providing 3 parking spaces on site which complies with Sec. 5.460 Item 8 – Adequate Off Street Parking and Sec. 7.863 – Off Street Parking. The property is located in a neighborhood with a variety of uses, including short-term rentals, primary residences and commercial properties such as the Buc's Bar & Grill. The property also abuts a creek with a shared rear property line with Hill Country Titles. The requested STR use is compatible with the variety of uses in the neighborhood. Sec. 5.460 item 2. – Compatibility with Existing Uses.

Public notification, including letters being sent to property owners within 200 feet, resulted in 1 response in favor and 1 in opposition.

BACKGROUND:

Sec. 5.400. - CONDITIONAL USE PERMIT. The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the City at large. The Conditional Use Permit process is intended to encourage broad public review and evaluation of site development features and operating characteristics and to ensure adequate mitigation of potentially unfavorable impacts.

Sec. 5.471. - Conditions.

The Planning and Zoning Commission, in considering and determining its recommendation, and the City Council, on any request for a Conditional Use Permit, may require from the applicant's plans, information, operation data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to ensure compliance with this Ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized or may allow a variance from property development standards. In authorizing the location of any of these uses listed as Conditional Use Permits, the City Council may impose such development standards and safeguards as the conditions and location indicate importance to welfare and protection of adjacent property from excessive noise, vibration, dust, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. The City Council, in approving or conditionally approving a Conditional Use Permit, may set forth in its decision reasonable conditions which will ensure the intent and purposes of the Zoning Regulations and avoid the creation or detrimental effects upon abutting properties which may include, but not limited to the following:

Duration of use, time period in which the proposed use shall be developed or constructed, fences, hedges and walls, surfacing of parking areas, regulation of noise, vibration, odors, etc., regulation of time for certain activities, regulation of signs, requiring maintenance of the grounds, regulation of use or uses, special yards, spaces and buffers, requiring street, service road or alley dedications and improvements or appropriate bonds, regulation of locations of vehicular ingress and egress.

Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

The Planning & Zoning Commission voted in favor of the application on January 4, 2023. During the presentation, the applicant noted the structure is currently used as a long-term rental and inquired how long the CUP and permit are valid for. A CUP use must be established within two years of approval. STR permits must be renewed yearly. The requested STR-Unoccupied use meets the requirements of a Conditional Use Permit per [Sec. 5.460](#) and Staff recommends approval, conditioned upon review/inspection and approval of a STR-Unoccupied Permit Application and payment of applicable fees (\$250.00 for a 2 bedroom unit).

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Sec. 5.460. - CUP Review and Evaluation Criteria.
2. Images
3. Z-2230 Public Hearing Map
4. Z-2230 Revised Site Plan
5. Z-2230 Surrounding Uses
6. Z-2230 Review comments
7. Z-2230 Response to Review comments
8. Z-2230 CUP Narrative

9. D Kusenberger_support
10. J Smith_oppposition

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: January 09, 2023

Laura Hollenbeak, Finance Director

Date: January 09, 2023

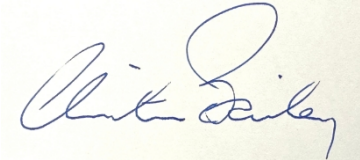


Shelley Goodwin, City Secretary

Date: January 10, 2023

William McKamie, Interim City Attorney

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

- 1 Conformance with applicable regulations and standards established by the Zoning Regulations.
- 2 Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
- 3 Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.
- 4 Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.
- 5 Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.
- 6 Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.
- 7 Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.
- 8 Adequacy and convenience of off-street parking and loading facilities.
- 9 Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.
- 10 Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.
- 11 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.
- 12 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.
- 13 Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.







Legend

Z-2230

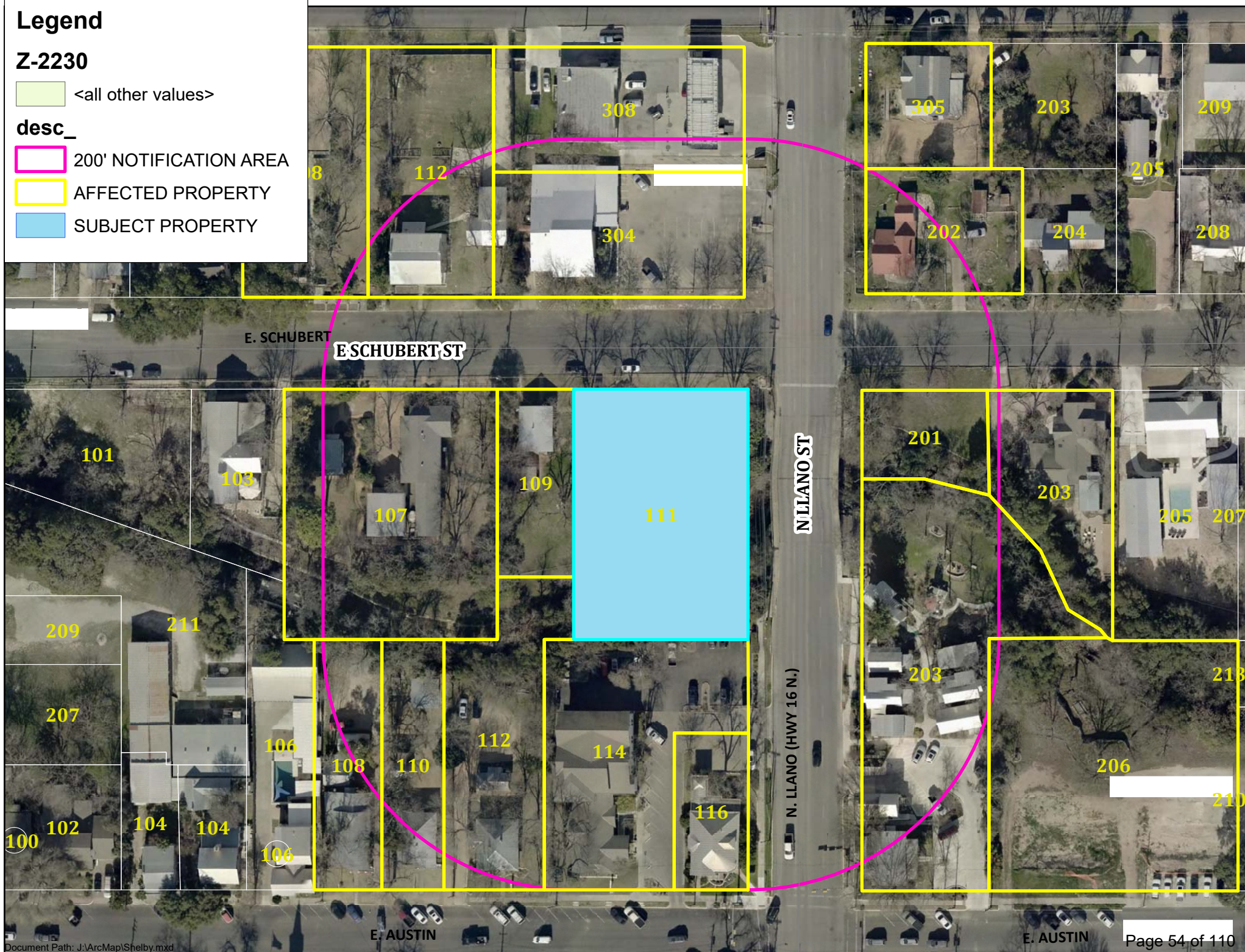
<all other values>

desc_

200' NOTIFICATION AREA

AFFECTED PROPERTY

SUBJECT PROPERTY



This Lot is Zoned R-2: Mixed Residential

ACTUAL:		REQUIRED:	
Lot Area	26,224 s.f.	Min lot Area	5000 s.f.
Lot Width	138.21 +	Min. Lot Width	50'
Building Heights - As Indicated		Max. Bldg. Ht.	28'
Front Setback	22'-4"	Min. Front Setback	15'
Street Side Setback	95'-6"	Min. Street Side Setback	15'
Interior Side Setbacks	5'-4"	Min. Int. Side Setbacks	5'
Rear Setback	99'-6"	Min. Rear Setback	10'
Building Coverage	2045 s.f. = 8% Lot Area	Max. Building Coverage	55%
Impervious Cover	2981 s.f. = 11% Lot Area	Max. Impervious Cover	65%

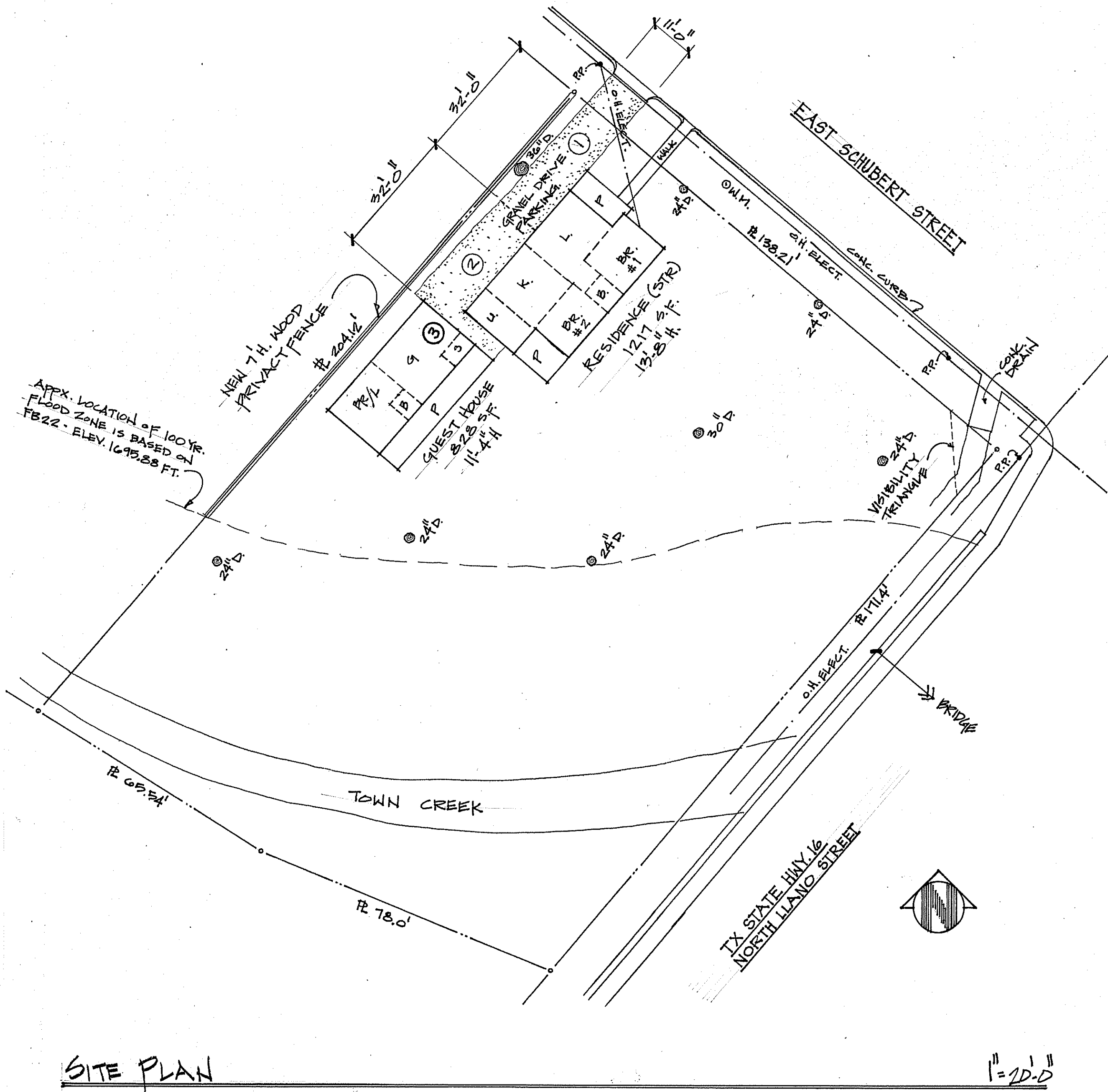
Parking Requirements:

- Residence (STR) ----- 2 spaces required
2 spaces provided ① & ②
- Guest House ----- 1 space required
1 space provided ③ (single car garage)

Residential Density:

- 1 ea. 2 Bedroom Unit, (Residence) @ Required 3,500 s.f. ----- 3,500 s.f
- 1 ea. 1 Bedroom Unit, (Guest House) @ Required 3,000 s.f ----- 3,000
- Total Square Footage Required ----- 6,000
- (6,000 s.f. is 25% of total Lot Area)

All exterior lighting shall be Night Sky compliant.



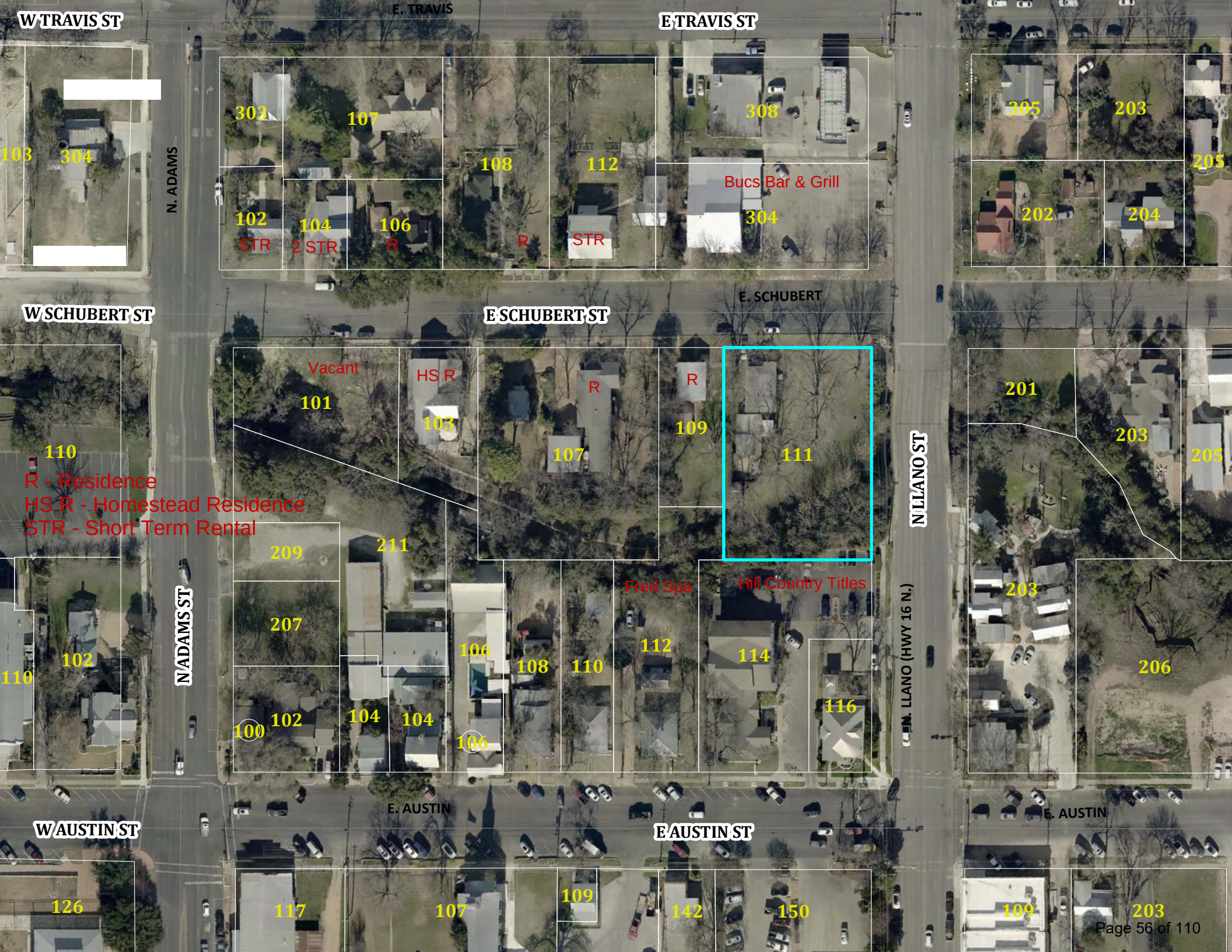
SITE PLAN
111 EAST SCHUBERT STREET -
0.605 AC, TOWN LOT 504BR, CITY OF FREDERICKSBURG,
GILLESPIE COUNTY, TEXAS

W. CASS PHILLIPS
PLANNING & DESIGN
1000 HILL ST. FREDERICKSBURG, TX 78624
cphillips1000hill@gmail.com
C 830 997 0169 H 830 997 6736

NOV. 2, 2022
REVISED 12.8.2022

SITE PLAN OF 111 EAST SCHUBERT STREET FOR
C.V.P. APPLICATION BY JIMMY REICHENAU

1 OF 1





November 29, 2022

James Reichenau
preichenau@hotmail.com

RE: Z-2230 Review Comments for a CUP to consider a STR –Unoccupied property located at 111 E. Schubert Street.

Dear James,

Please review the following comments and address appropriately. Please provide a written response as to how the items are addressed in addition to the revised Plan.

Plans will not be reviewed or considered without a response sheet.

- Please verify which unit you are requesting the STR-Unoccupied permit for.
- Please provide interior floor plans to determine density. [Sec. 3.110](#)
- Please update the Zoning Summary to include Parking Calculations and dimension all parking spaces to show compliance with [Sec. 7.863](#)
- Site Plan requires Planning and Zoning Approval, scheduled for January 4, 2023.
- Please update CUP Narrative with specific responses to each of the review and evaluation criteria noted in [Sec.5.460](#). This will be used by the Planning and Zoning Commission and City Council to make their determination.
- Provide a note regarding all exterior lighting shall be night sky compliant.
- Screening is required per [Sec. 7.940](#)
- Landscape Requirements per [Sec. 7.920](#) need to be provided.
- Clarify if the property currently has or plans to have hot tubs, firepits, or a pool.

For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or scollier@fbgtx.org

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

Please feel free to contact me with any comments or questions, and I will be happy to assist you.

Please return the revised plans along with your written response as to how the comments have been addressed by Monday, December 12th to ensure consideration by Planning & Zoning Commission on Wednesday, January 4th.

**Shelby
Collier** Digitally signed by Shelby
Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2022.11.29 15:43:41
+06'00'

Shelby Collier
Development Review Committee (DRC)

The City of Fredericksburg

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

December 8, 2022

James Reichenau

preichenau@hotmail.com

Shelby Collier

Development Review Committee

City of Fredericksburg

RE: Z-2230 Review Comments for a CUP to consider an STR-Unoccupied property

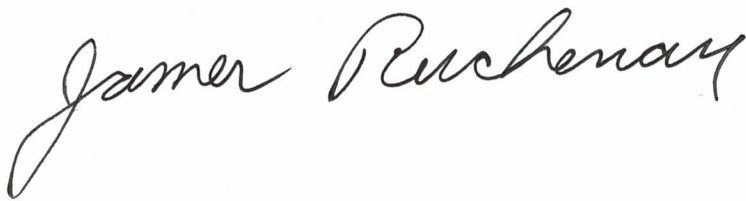
located at 111 E Schubert Street

In response to your letter dated November 29, 2022, please consider the following:

- I am requesting an STR-Unoccupied Permit for the "Residence" at 111 E Schubert Street, as labeled on the resubmitted Site Plan.
- Room arrangements have been indicated on the resubmitted Site Plan.
- Parking Calculations have been updated in the Zoning Summary and the parking spaces have been dimensioned on the resubmitted Site Plan.
- N/A
- A resubmitted CUP Narrative has been updated in accordance with Sec.5.460.
- The note, "All exterior lighting shall be Night Sky compliant", has been provided on the resubmitted Site Plan
- A 7' h. wood privacy fence on the West Property Line has been indicated on the resubmitted Site Plan.

- The existing landscaping satisfies Sec. 7.920 Landscaping requirements.
- The property currently does not, and will not have fire pits, hot tubs or a pool.

Sincerely,

A handwritten signature in cursive script that reads "James Richenau". The signature is written in black ink and is positioned in the center of the page.

James Richenau

Sec. 5.460 Review and Evaluation Criteria – Responses

1. Yes
2. See Site Plan
3. See police reports and letters from previous renters that were submitted on 11-14-22
4. N/A
5. Off street parking as indicated on Site Plan
6. N/A
7. Buc O'Briens is across the street
8. Driveway parking as indicated on Site Plan
9. R-2
10. R-2; there are several short term rental units on the street
11. Same as above; majority of properties are STR's
12. R-2; 112 E Schubert got approved recently
13. N/A



NOTICE OF PLANNING & ZONING PUBLIC HEARING:
A CONDITIONAL USE PERMIT

According to Tax Records, you are the owner of real property within 200' of the proposed changes, listed below. 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 card below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

1st HEARING

DATE: January 4, 2023

TIME: 5:30 PM

REQUEST

NUMBER: Z-2230

The City of Fredericksburg **Planning and Zoning Commission** will meet in a regular session on January 4, 2023, at 5:30 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

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

2nd HEARING

DATE: January 17, 2023

TIME: 9:00 AM

REQUEST

NUMBER: Z-2230

The City of Fredericksburg **City Council** will meet in a regular session on January 17, 2023, at 9:00 AM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

REQUEST: REQUEST #Z-2230, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT ON PROPERTY LOCATED AT 111 EAST SCHUBERT.

APPLICANT: JAMES REICHENAU

LOCATION: 111 EAST SCHUBERT (See attached map)

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2230

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

Signed _____

Printed Name

Date

Address

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2230

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

There are 9 homes on our block of which 4 will be STR's, 1 long term rental, 2 absentee owners & possibly only 2 homeowners.

Janet Smith
Signed

12.26.22
Date

Janet Smith
Printed Name

108 E. Schuler St.
Address

what constitutes saturation?



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works - Streets, Water, Sanitation, Drainage, and Electric

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: January 17, 2023

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider the approval of a Construction Contract Award for the City of Fredericksburg Landfill Cell #9 (Garret Bonn, Assistant City Manager).

PRESENTATION:

SUMMARY:

Staff received five bids for Landfill Cell #9 construction. Hammett Excavation, Inc. was the lowest of five bidders at \$291,032.56.

BACKGROUND:

The City of Fredericksburg Landfill Cell #9 Construction Project is a part of a FY 2023 Sanitation Department Capital Improvement Project with a total budget of \$1,425,000. Cell #9 is the final cell within Phase II of the landfill facility and will tie into the north end of Cell #8 (refer to attached site plan). For the Cell #9 project, two separate sets of construction documents were prepared. This construction contract includes general earthwork, grading, leachate collection system, piping installation, leachate sump and pump, and placement of protective cover. The liner system for the project will be installed under a separate construction contract and includes a geosynthetic clay liner, geomembrane liner, and leachate collection system drainage geocomposite material. The separation of the two contracts is common in landfill construction and allows the City to avoid general contractor up-charges for geosynthetic subcontractors.

The contract documents include 60 calendar days for substantial completion of the project and 90 calendar days for final completion with liquidated damages set at \$500 per day. After public advertising, five (5) secure bids were received at the bid opening on January 5, 2023, with Hammett Excavation, Inc. submitting the low bid.

The bids have been reviewed by the City's design consultant for the project, Biggs and Matthews Environmental, and City staff and have been found to be complete and competitive. A copy of the recommendation letter and bid summary from Biggs and Matthews Environmental is attached.

FUNDING SOURCE: Sanitation Fund

FINANCIAL IMPACT:
\$291,032.56

STAFF RECOMMENDATION:

City staff recommends award of the construction contract, conditioned upon review and approval by the City Attorney, in the total amount of \$291,032.56 to Hammett Excavation, Inc.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. Landfill Aerial
2. Landfill Site Plan
3. Cell Construction Example - Previous Cell
4. Cell Construction Example - Previous Cell
5. Engineer's Letter of Recommendation
6. Bid Tab Summary - Cell 9 Construction

APPROVAL/REVIEW:

Laura Hollenbeak, Finance Director

Date: January 09, 2023

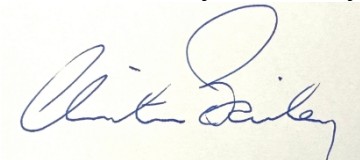
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

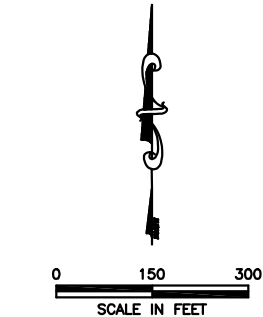
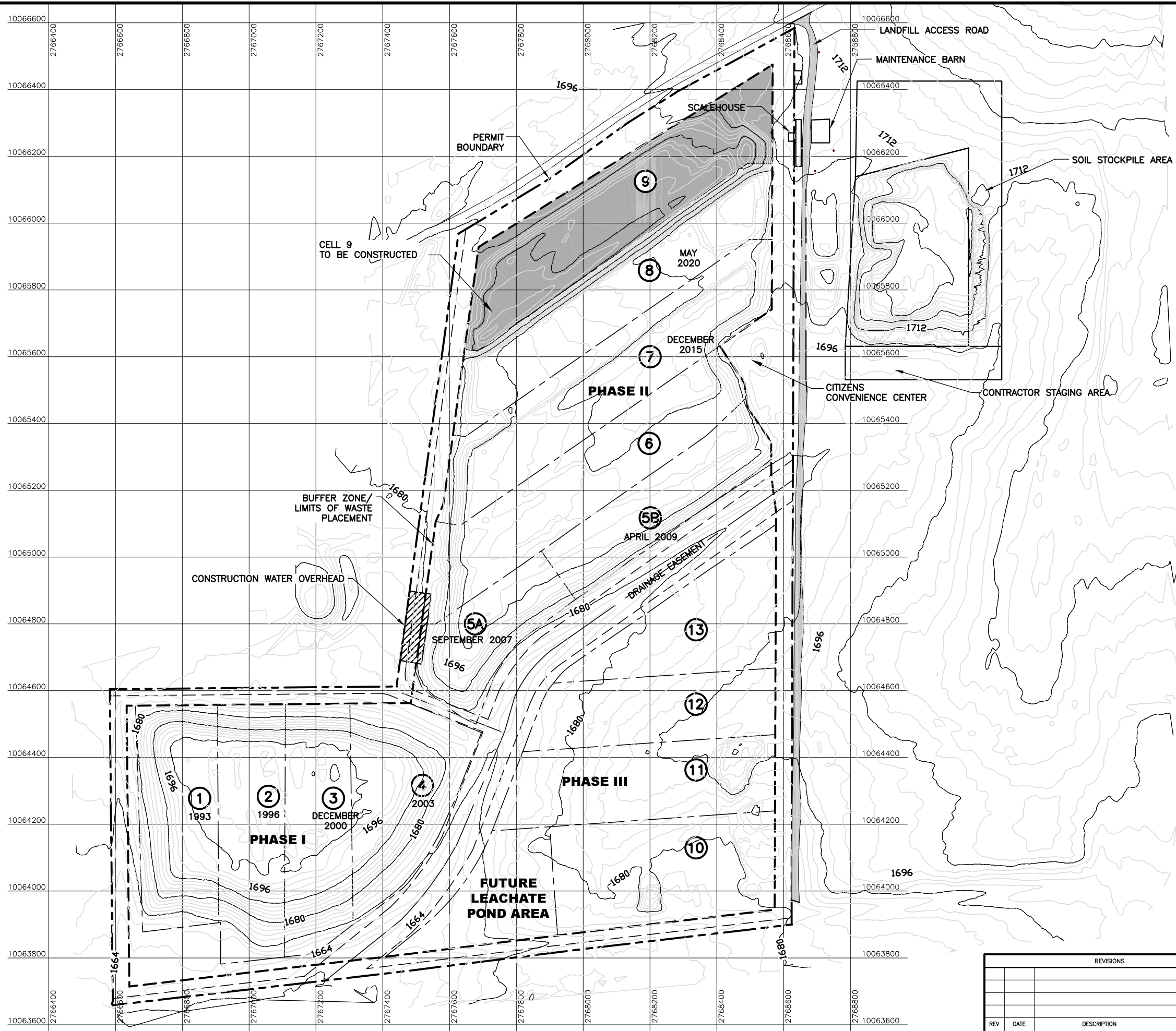
Date: January 10, 2023



Clinton Bailey, City Manager

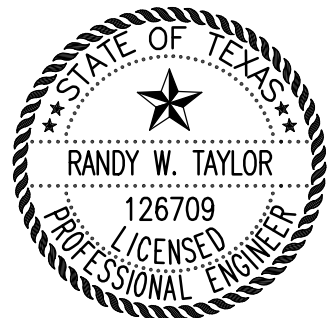
Date: January 10, 2023





- LEGEND**
- PERMIT BOUNDARY
 - STOCKPILE PROPERTY BOUNDARY
 - BUFFER
 - EXISTING CONTOUR
 - CELL DIVIDE
 - STATE PLANE GRID
 - ③ CELL DESIGNATION
 - LIMITS OF CELL 9 CONSTRUCTION (LINER TO BE CONSTRUCTED)

- NOTES:**
1. BASE DRAWING IS DEVELOPED FROM APPROVED PERMIT DRAWINGS INCLUDED IN FREDERICKSBURG LANDFILL, MSW PERMIT NO. 1995, SUBTITLE D PERMIT MODIFICATION UPGRADE, JULY 1995.
 2. PHASE II, CELLS 5, 6, 7, AND 8 ARE ACTIVE WASTE DISPOSAL AREA.
 3. EXISTING CONTOURS BASED ON DRONE SURVEY FLOWN OCT 31, 2022.



SITE PLAN	
CITY OF FREDERICKSBURG CITY OF FREDERICKSBURG LANDFILL CELL 9	
BME	BIGGS & MATHEWS ENVIRONMENTAL 1700 ROBERT ROAD, STE. 100 MANSFIELD, TEXAS 76063 817-563-1144
TBPE FIRM NO. F-256	C1
TBPG FIRM NO. 50222	

REVISIONS			
REV	DATE	DESCRIPTION	DWN BY







BIGGS & MATHEWS ENVIRONMENTAL, INC
TBPE No. F-256 TBPG No. 50222

January 6, 2023

Mr. Garret Bonn, P.E., CFM
Assistant City Manager
City of Fredericksburg

Re: City of Fredericksburg Landfill
Cell 9 Construction and Geosynthetics
Recommendation for Award of General and Geosynthetics Contracts

Dear Mr. Bonn:

BME has recently completed the bid phase and evaluation of bids for the Cell 9 Development project at the City of Fredericksburg Landfill including the General Contractor bid for the earthwork and protective cover, and the Geosynthetics bid for supplying and installing the geosynthetic liner and leachate collection system. The following paragraphs provide the summary of bids and our recommendations for award of contract for each of the bid categories.

General Contract

A total of five bids were received on January 5, 2023 for the Cell 9 Construction – General Contractor. A tabulation of the bids is attached.

The apparent low bidder is Hammett Excavation, based out of Dodd City, Texas with a base bid total of \$291,032.56. The low bid has been evaluated to review line item and total bid prices and is correct. Other bids ranged up to \$548,750 and the Engineer's Estimate for Construction was \$481,362. This bid is consistent with our experience for this type of construction and the contractor has successfully completed similar projects in the past. BME recommends that the City of Fredericksburg award the general contract to Hammett Excavation.

Geosynthetics Contract

A total of six bids were received on January 5, 2023 for Cell 9 Geosynthetics – Geosynthetics Contractor. A tabulation of the bids is attached.

The apparent low bidder is Clean Air and Water Systems, LLC. with an office in Dousman, Wisconsin with a base bid total of \$463,619.28. The low bid has been evaluated to review line item and total bid prices and is correct. Other bids ranged up to \$636,503.66 and the Engineer's Estimate for Geosynthetics was \$510,900.65. This bid is consistent with our experience for this type of construction and the contractor has successfully completed similar projects in this region in the past several years. BME recommends that the City of Fredericksburg award the geosynthetics installation contract to Clean Air and Water Systems, LLC.

O:\City of Fredricksburg\Fredricksburg LF\Solid Waste\Cell 9\Letter of Recommendation_Cell 9.docx

1700 Robert Road, Suite 100 • Mansfield, Texas 76063 • Phone: 817-563-1144

Recommendation of Award
January 6, 2023
Page 2

Upon authorization of award of these contracts by the City of Fredericksburg, BME will prepare a Notice of Award to be sent to each of the awarded contractors and will finalize the Contract Documents to be executed. We anticipate construction of the Cell 9 project will be complete in May, 2023.

Biggs and Mathews Environmental appreciates the opportunity to provide professional services to the City of Fredericksburg for this project and looks forward to a successful construction project.

Sincerely,

BIGGS & MATHEWS ENVIRONMENTAL



Randy Taylor, P.E.
Project Engineer

Attachments: Bid Tabulation – General Contractor
Bid Tabulation – Geosynthetics Contractor

**City of Fredericksburg Landfill
Cell 9 Construction
Bid Opening - January 5, 2023 at 2:00 PM**

Contractor	Bid Total
4X Construction	\$ 548,750.00
Action Equipment	\$ 435,749.00
Hammett Excavation	\$ 291,032.56
Ranger Excavation	\$ 402,850.00
Blue Sage	\$ 498,052.00



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works - Streets, Water, Sanitation, Drainage, and Electric

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: January 17, 2023

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider the approval of a Geosynthetics Contract Award for the City of Fredericksburg Landfill Cell #9 (Garret Bonn, Assistant City Manager).

PRESENTATION:

SUMMARY:

Staff received six bids for the Landfill Cell #9 Geosynthetics contract. Clean Water and Air Systems, LLC was the lowest of six bidders at \$463,619.28.

BACKGROUND:

The City of Fredericksburg Landfill Cell #9 Geosynthetics Project is a part of a Sanitation Dept. FY 2023 Capital Improvement Cell #9 Project with a total budget of \$1,425,000. As discussed in the previous agenda item, the Cell #9 project was broken into two separate sets of construction documents. This geosynthetics contract includes installation of a geosynthetic clay liner, geomembrane liner, and leachate collection system drainage geocomposite material.

The contract documents include 15 working days for substantial completion of the project and 20 working days for final completion with liquidated damages set at \$500 per day. After public advertisement, six (6) secure bids were received at the bid opening on January 5, 2023, with Clean Air and Water Systems, LLC submitting the low bid.

The bids have been reviewed by the City's design consultant for the project, Biggs and Matthews Environmental, and City staff and have been found to be complete and competitive. The engineer's recommendation letter was included in the general construction contract award memo but a copy of the bid tab summary for the geosynthetics project is attached for your review.

FUNDING SOURCE: Sanitation Fund

FINANCIAL IMPACT:
\$463,619.28

STAFF RECOMMENDATION:

City staff recommends award of the geosynthetics contract, conditioned upon review and approval by the City Attorney, in the total amount of \$463,619.28 to Clean Air and Water Systems, LLC.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. Bid Tab Summary - Geosynthetics

APPROVAL/REVIEW:

Laura Hollenbeak, Finance Director

Date: January 09, 2023

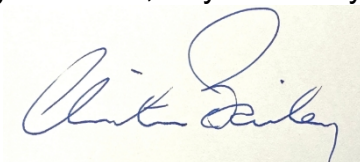
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

**City of Fredericksburg Landfill
Cell 9 Geosynthetics
Bid Opening - January 5, 2023 at 2:00 PM**

Contractor	Bid Total
Cascade	\$ 636,503.66
Geosynthetic Systems	\$ 521,293.41
Global Containment Solutions	\$ 506,256.62
Mustang Extreme	\$ 471,343.40
Clean Air & Water	\$ 463,619.28
Patriot Environmental	\$ 493,536.00



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works - Streets, Water, Sanitation, Drainage, and Electric

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: January 17, 2023

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider the approval of a Professional Services (Construction Administration) for the City of Fredericksburg Landfill Cell #9 (Garret Bonn, Assistant City Manager).

PRESENTATION:

SUMMARY:

This item is for consideration of an Additional Professional Services Proposal from Biggs and Matthews Environmental (BME) for required third party inspection and testing services during construction of the City of Fredericksburg Landfill Cell #9 project.

BACKGROUND:

BME is currently contracted to complete professional design and construction documents for development of Cell #9 at the City of Fredericksburg Landfill. The Texas Commission on Environmental Quality (TCEQ) requires third party inspection and testing services during all landfill construction projects. The attached proposal provides the services required by the Soil and Liner Quality Control Plan (SLQCP) and the TCEQ Municipal Solid Waste Regulations.

As part of the project, BME will provide construction management services and quality assurance services, which include construction observation/monitoring, field testing, and submittal of required TCEQ forms/certifications. Upon completion of construction, BME will provide surveying services required to prepare record drawings and to certify that the liner and leachate collection systems were installed in accordance with the specifications and the SLQCP.

FUNDING SOURCE: Sanitation Fund

FINANCIAL IMPACT:
\$128,500

STAFF RECOMMENDATION:

City staff recommends approval, conditioned upon review and approval by the City Attorney, of the additional services proposal from BME to perform professional services outlined in the "Scope of Services" section of the attached proposal for an estimated fee of \$128,500 which will be funded using the Sanitation Dept. FY 2023 Capital Improvement Cell #9 Project budget of \$1,425,000.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. Task Order 8 - Cell 9 CQA

APPROVAL/REVIEW:

Laura Hollenbeak, Finance Director

Date: January 09, 2023

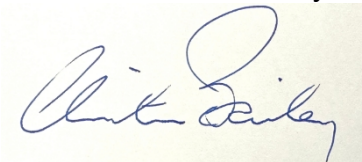


Shelley Goodwin, City Secretary

Date: January 10, 2023

William McKamie, Interim City Attorney

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023

TASK ORDER NO. 8

CITY OF FREDERICKSBURG

FREDERICKSBURG LANDFILL

CELL 9 CONSTRUCTION PHASE SERVICES

SCOPE OF SERVICES

December 2022



BIGGS AND MATHEWS ENVIRONMENTAL

1700 Robert Road, Suite 100
Mansfield, Texas 76063
Phone: 817-563-1144
Fax: 817-563-1224

Project Understanding

The City of Fredericksburg is preparing to fund the construction of Cell 9 at the City of Fredericksburg Landfill. The Texas Commission on Environmental Quality (TCEQ) requires third party inspection and testing services during all liner construction projects. The following proposal provides the services required by the Soil and Liner Quality Control Plan (SLQCP) and the TCEQ Municipal Solid Waste Regulations.

Cell 9 is an approximate 5.8-acre cell that will tie into Cell 8 on the south and is the last liner area to be constructed in the Phase II area of the Fredericksburg Landfill. The liner system to be constructed consists of an underdrain system, geosynthetic clay liner (gcl), 60-mil HDPE geomembrane liner, drainage geocomposite leachate collection system, and 24-inches of protective cover.

Construction Phase Services

Task 1 Construction Management

Biggs and Mathews Environmental (BME) will provide construction management services throughout the project. Construction management services include providing a construction manager, construction phase engineering, construction management, and contract administration.

Randy Taylor, P.E., will serve as the construction manager for the project. This scope of services assumes that the construction manager will be onsite one to two days a week during liner and protective cover installation and for key events for the duration of the project.

Construction phase engineering services will include:

- Review and approve contractors' submittals.
- Respond to contractor's requests for information.
- Review of requests for modifications and providing recommendations to the City.
- Field observations to verify that the construction is in substantial accordance with the project plans and specifications.
- Revise construction drawings, if necessary.

Construction management services will include:

- Make site visits to observe construction activity and progress.
- Provide coordination with the City, landfill personnel, contractor, and surveyor.
- Review and approve contractor's schedule.
- Schedule CQA field work and field surveys.
- Conduct progress meetings and prepare and distribute meeting minutes.
- Take project photographs.
- Provide monthly progress reports to the City.
- Prepare record drawings.

Contract administration services will include:

- Review and verify contractor's monthly pay requests. Contractor will be required to submit backup justification of work completed for partial pay requests.
- Reconcile quantities for partial payment.
- Prepare and issue change orders and field orders, as appropriate.
- Review and verify contractor's final pay request.
- Prepare punch list for work to be completed for substantial completion.
- Perform the final walk-through with the City to verify work has been completed.
- Review and verify contract closeout documentation, such as the consent of surety, and reduction in retainage.

Task 2 Construction Quality Assurance Services

Construction quality assurance (CQA) services will be provided for the construction of the liner and leachate collection systems. David Clark, P.E. and Randy Taylor, P.E., will serve as the Professionals of Record (POR) for the construction quality assurance services. CQA services include construction observation and monitoring, field testing, laboratory testing, management of quality assurance activities, preparation of certification reports, and serving as the POR for certification reports.

Upon completion of the liner and leachate collection system construction, we will prepare a Geosynthetic Clay/Geomembrane Liner Evaluation Report (GC/GLER). The report will contain:

- Required TCEQ forms.
- Written narrative describing the project, tasks accomplished, and time frames.
- Results of tests performed during the CQA program, which will be provided by the third party testing firms.
- Appendices including daily inspection forms, material, testing and repair logs, and supporting test data.
- Field activity records and documentation including the plans showing the location of field tests.
- As-built drawings showing the subgrade elevations, geomembrane panel layout, destructive tests and repair locations, leachate collection system, protective cover thickness, and anchor trench locations.

The report will be prepared and submitted by a professional engineer, registered in the State of Texas. Three copies of the certification report will be signed and submitted to the TCEQ. Two copies of the certification report will be submitted to the City.

Task 3 Record Survey Services

BME will provide the surveying services required to prepare record drawings, and to certify that the liner and leachate collection systems were installed in accordance with the specifications and the SLQCP. Surveying services are listed below.

- Establish horizontal and vertical control for the project.
- Survey the completed liner subgrade on a 70-foot by 70-foot grid to verify the subgrade elevations and to establish the bottom of clay liner elevations.
- Survey the completed protective cover on a 70-foot by 70-foot grid to verify the top of protective cover elevations and determine the protective cover thickness.

PROJECT BUDGET

PROJECT	Cost
Construction Phase Services	
Task 1 Construction Management	\$42,500
Task 2 Construction Quality Assurance	\$78,000
Task 3 Record Survey Services	\$8,000
Total Estimated Cost:	\$128,500

Project Schedule

A preliminary milestone schedule is below. A detailed schedule can be developed for the project kickoff meeting with input from the selected contractors. This schedule assumes that construction of Cell 9 will take 60 days.

- Contract Award January 2023
- Begin Construction March 2023
- Cell 9 Complete May 2023
- Cell 9 Approved May 2023

Additional Services

It is not anticipated that additional services will be required for this project. However, should conditions change that require additional services we will inform the City of each specific requirement or additional service. We will not exceed the project budget identified in this scope of services without specific written authorization from the City.

Authorization

This AGREEMENT is entered into on the date of execution by and between Biggs and Mathews Environmental, Inc., a Texas corporation, hereinafter referred to as CONSULTANT and the City of Fredericksburg, hereinafter referred to as OWNER. Services covered by this AGREEMENT will be performed in accordance with the MASTER AGREEMENT FOR PROFESSIONAL SERVICES dated December 16, 2014. This AGREEMENT may only be changed by written amendment executed by both parties.

City of Fredericksburg

By: _____

Title: _____

Date: _____

Biggs and Mathews Environmental, Inc.

By:  _____

Title: Principal

Date: December 28, 2022



BIGGS & MATHEWS ENVIRONMENTAL, INC
TBPE No. F-256 TBPG No. 50222

SCHEDULE OF CHARGES
2022

PERSONNEL CHARGES

Category	Billing Rate Range \$ Per Hour
Administrative/Project Assistant	50 – 80
Sr. Administrative/Project Assistant	75 – 100
Designer/Technician/Field Services Technician	60 – 80
Sr. Designer/Sr. Technician/ Sr. Field Services Technician	75 – 110
Engineer/Scientist	75 – 120
Project Engineer/Scientist	95 – 140
Senior Project Engineer/Scientist	120 – 175
Principal Engineer/Scientist	175 – 225

Depositions and expert witness testimony, including preparation time, will be billed at 1.5 times the above hourly rates.

OUTSIDE SERVICES

Charges for special outside services, equipment, and facilities not furnished by Biggs and Mathews will be billed at cost plus 15%. Such charges may include, but shall not be limited to the following services:

Printing and photographic reproduction	Tolls
Rented vehicles	Rented equipment
Transportation on public carriers	Shipping charges
Subconsultants	Meals and lodging
Special fees, permits, insurance, etc.	Consumable materials

COMMUNICATIONS

The cost of communications including telephone charges, e-mail, express mail, postage and routine copying costs will be charged at a flat rate of 3% of total gross labor charges.

DIRECT CHARGES

Reproduction – black and white, per 8.5x11" sheet (non-routine)	\$ 0.10
Reproduction – color, per 8.5x11" sheet	\$ 1.00
Reproduction – per 22x34" sheet	\$ 3.00
Auto/Truck per mile	\$ 1.00
Auto/Truck per day	\$100.00
Storage of samples per month per container*	\$ 5.00
Disposal per container*	\$ 50.00
Survey Equipment per day	\$ 250.00

*A container is defined as a standard core box, a capped Shelby tube, or a sealed five-gallon bucket.

SUPPLEMENTAL SCHEDULES OF CHARGES (Schedules available upon request)

- Soils Laboratory
- Chemical Laboratory
- Chargeable Equipment Schedule

Payment

Monthly invoices are to be paid within 30 days from invoice date. Interest on late payments will be charged at a rate of 18% per annum.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works - Streets, Water, Sanitation, Drainage, and Electric

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: January 17, 2023

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider the approval of a Professional Services Contract (Design) for the N. Llano Storm Sewer Project (Garret Bonn, Assistant City Manager).

PRESENTATION:

SUMMARY:

This item is for consideration of a Professional Services Proposal from Freese and Nichols, Inc., for design services relating to the N. Llano Storm Sewer Project.

BACKGROUND:

The N. Llano Storm Sewer System project is a phased approach to address stormwater issues in the College St./N. Llano/Sycamore/Travis area. Phase I of the project will include the installation of inlets in and around the intersection of N. Llano and E. College St. that will capture stormwater and convey it to Town Creek via a storm sewer main along N. Llano (refer to attached exhibit).

On March 3, 2022, the Texas Water Development Board (TWDB) passed a resolution approving financial assistance in the amount of \$2,602,529 to the City of Fredericksburg through the Flood Infrastructure Fund (FIF). The approved eligible funding for the project is 15% (\$390,529) in the form of grant funds and the City is responsible for the remaining 85% (\$2,212,000) via a zero interest loan through the FIF. On November 15, 2022, the City Council passed a resolution approving the grant agreement and drainage revenue bond with TWDB and final closing for the project occurred on December 21, 2022.

TWDB has reviewed and approved the scope of services included in the attached proposal from Freese and Nichols, Inc. The approved FY 2023 budget includes \$350,000 to allow for design of the project to begin with the intent of completing the design phase in late 2023, with construction completion tentatively scheduled for summer 2024.

FUNDING SOURCE: Drainage & FIF Grant/Loan **FINANCIAL IMPACT:**
\$349,200

STAFF RECOMMENDATION:

City staff recommends approval, conditioned upon review and approval by the City Attorney, of the professional services proposal from FNI to perform professional services outlined in the "Scope of Services" section of the attached proposal in the amount of \$349,200.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. Aerial Exhibit
2. FNI - N. Llano_Proposal_TWDB

APPROVAL/REVIEW:



Laura Hollenbeak, Finance Director

Date: January 06, 2023

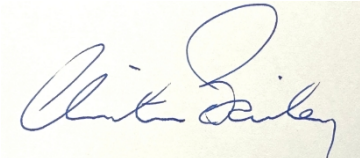
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: January 10, 2023



FIGURE 1
City of Fredericksburg
N. Llano (SH 16N) Storm Sewer System

LEGEND

- Storm Sewer
- Curb Inlets
- Impacted Drainage Area
- City Limit Boundary

AGREEMENT FOR PROFESSIONAL SERVICES

STATE OF TEXAS §

COUNTY OF TARRANT §

This AGREEMENT is entered into by the City of Fredericksburg, Texas, hereinafter called "Owner" and Freese and Nichols, Inc., hereinafter called "FNI." In consideration of the AGREEMENTS herein, the parties agree as follows:

- I. **EMPLOYMENT OF FNI:** In accordance with the terms of this AGREEMENT: Owner agrees to employ FNI; FNI agrees to perform professional services in connection with the Project; Owner agrees to pay to FNI compensation. The Project is described as follows: North Llano (SH 16N) Storm Drain System.
- II. **SCOPE OF SERVICES:** FNI shall provide professional services in connection with Project as set forth in Attachment SC - Scope of Services and Responsibilities of Owner which is attached to and made a part of this AGREEMENT.
- III. **COMPENSATION:** Owner agrees to pay FNI for all professional services rendered under this AGREEMENT. FNI shall perform professional services as outlined in the "Scope of Services" for a maximum not to exceed **\$349,200.00**, as indicated in the fee schedule shown in Attachment SC.

If FNI's services are delayed or suspended by Owner, or if FNI's services are extended for more than 60 days through no fault of FNI, FNI shall be entitled to equitable adjustment of rates and amounts of compensation to reflect reasonable costs incurred by FNI in connection with such delay or suspension and reactivation and the fact that the time for performance under this AGREEMENT has been revised.
- IV. **TERMS AND CONDITIONS OF AGREEMENT:** The Terms and Conditions of Agreement as set forth as Attachment TC shall govern the relationship between the Owner and FNI. FNI agrees and acknowledges that it is subject to all applicable requirements of the master contract between the City and the Texas Water Development Board.

Nothing under this AGREEMENT shall be construed to give any rights or benefits in this AGREEMENT to anyone other than Owner and FNI, and all duties and responsibilities undertaken pursuant to this AGREEMENT will be for the sole and exclusive benefit of Owner and FNI and not for the benefit of any other party.

This AGREEMENT constitutes the entire AGREEMENT between Owner and FNI and supersedes all prior written or oral understandings.

This contract is executed in two counterparts.

IN TESTIMONY HEREOF, they have executed this AGREEMENT, the ____ day of _____, 2023.

ATTEST:

City of Fredericksburg, Texas
(OWNER)

By: _____

Print or Type Name and Title

ATTEST:

Freese and Nichols, Inc.
(FNI)



By: 

John New, P.E.

Vice President / Principal

SCOPE OF SERVICES AND RESPONSIBILITIES OF OWNER

BACKGROUND AND SCOPE OF WORK:

The Fredericksburg Drainage Master Plan (DMP) was prepared to assist the City in evaluating existing flooding conditions throughout the City and to develop prioritized capital improvement projects (CIPs) to address the problems. As part of the DMP process, drainage improvements were recommended for the College/N. Llano, Sycamore/Travis CIP project (BC9) (see Figure 1):

Project BC9

The purpose of the engineering design is to provide route and infrastructure size options based on hydrologic and hydraulic impact analyses, site constraints, environmental permitting, easement/land considerations to implement the improvements, and construction cost estimates for the segment described below and depicted in Figure 1.

- Segment 1 – Install underground storm drain down N. Llano Street between E. College Street and the outfall into Town Creek. This alternative re-routes the project BC9 proposed outfall from Sycamore Street to N. Llano Street.

Adverse impacts hydrologic and hydraulic (H&H) analyses will be required to determine the effects of the improvements on the receiving stream of Town Creek.



Figure 1: CIP Projects BC9 – College/N. Llano, Sycamore/Travis Proposed Improvements. Segment proposed for this project highlighted.

PROJECT ASSUMPTIONS:

1. Any Record Drawings for the utilities being impacted by the proposed improvements will be provided to FNI by the OWNER.

CONTRACT SERVICES:

Freese and Nichols, Inc. (FNI) has been selected to provide design services for the subject project. The OWNER desires to proceed with the design for this project; the subject of this Agreement for Professional Services.

After authorization from the OWNER, FNI shall proceed with the Services as described below. FNI shall render the following professional services in connection with the development of the Project:

1. Project Management:

- A. Perform general project management and control project quality, progress, and budget for a scoped period of 12 months.
- B. Prepare and distribute monthly status reports via email to the City's Project Manager for the project duration. The status report shall summarize work completed, percent complete to date for the schedule and budget, work scheduled to be completed for the upcoming month, and any outstanding issues or decisions that must be resolved by City staff or the project team.
- C. Prepare and submit the project schedule to the City's Project Manager and submit progress updates, as necessary.
- D. Conduct QA/QC reviews.

2. Meetings: Attend up to five (5) coordination meetings with City staff and prepare minutes summarizing the meetings. It is assumed that public and stakeholder outreach will be handled by the City.

- i. One (1) kickoff meeting (virtual)
- ii. One (1) Engineering Feasibility Report (EFR) review meeting (In Person)
- iii. Three (3) design review meetings (Virtual): One (1) 60%, One (90%), One (1) Final design.

3. Data Collection and Field Reconnaissance:

- A. Gather pertinent information regarding existing drainage facilities and utilities from existing plans and other available studies or sources.
- B. Perform one (1) field reconnaissance visit to confirm existing site conditions for use in preparing the preliminary design recommendations.
 - i. No design survey for the Project Area is planned during this task. GPS handheld units will be utilized to pick up existing features as necessary during the field reconnaissance visit.
 - ii. The culvert structure under N. Llano Street at Town Creek will be inspected by an FNI structural engineer.
- C. Environmental Permitting Evaluation – FNI will review the proposed design and identify environmental compliance requirements prior to construction. Primarily we will review the project for compliance with Section 404 of the Clean Water Act, Endangered Species Act, and Section 106 of the Historic Preservation Act. Since the project is being developed for a municipality, the project will also require review under the Antiquities Code of Texas.
 - i. Coordination meeting with TxDOT to make a determination on the NEPA process for final design.
 - ii. Desktop Survey:
FNI will perform a desktop survey to determine if potential waters of the US (WOTUS) or habitat for federally-listed species are present within the project footprint. Spatial data sources will include, but are not limited to, US Geological Survey (USGS) 7.5-minute topographic maps, USGS National Hydrography Dataset (NHD), US Fish and Wildlife Service's (USFWS) National Wetland Inventory (NWI), Federal Emergency Management Agency (FEMA) floodplain maps, Natural Resource Conservation Service (NRCS) soils data, and recent and past aerial imagery.

FNI will also obtain information from USFWS Information for Planning and Consultation (IPaC) and Texas Parks and Wildlife Department's (TPWD) Natural Diversity Database (NDD). This desktop effort will also include a literature review on life history or habitat requirements of each potentially occurring species.

- iii. FNI will also perform a desktop survey that evaluates the potential for cultural resources to be present in a project area. This effort will include an establishment of an Area of Potential Effects (APE) for archeological resources, which is defined as the area where construction activities will cause ground disturbance. The APE is defined in three dimensions, including the project limits, width, acreage, and depth of impacts. The APE encompasses the entirety of the project area to the maximum area of construction. Following the establishment of the APE, FNI will review the archeological records available on the THC Texas Archeological Sites Atlas (TASA) and determine if any previously recorded archeological sites or historic properties listed in the National Register of Historic Places (NRHP), State Antiquities Landmarks (SAL), and Recorded Texas Historic Landmarks (RTHL) are located within or adjacent to the proposed APE or within a one-kilometer radius. FNI will also review the NRCS Soils database, Texas Geological Dataset, USGS Historical Topographic maps, and Historical aerial imagery to document potential impact to any above ground historic structures and/or surficial or deeply buried cultural material. FNI will submit a letter to THC either to request concurrence that no effect to historic properties would result from the project, or if further investigations or survey is required.
- iv. Site Visit:

FNI will perform a delineation of WOTUS that were identified by the desktop survey. GPS handheld units will be utilized to delineate the boundaries of WOTUS. This delineation would follow the 1987 USACE Wetland Delineation Manual, the Regional Supplement for the Great Plains, and various USACE guidance such as Regulatory Guidance Letters ("RGLs"). If applicable, Wetland Determination Data Forms would be prepared as supporting documentation, along with representative photographs. If applicable, following the WOTUS delineation, FNI will determine the area (acres) and volume (cubic yards) of fills that would be discharged within the potential WOTUS. During the delineation, FNI will also perform an environmental field survey as part of the habitat assessment and determine if the project area may include potential habitat for federally listed species.

4. Hydrologic and Hydraulic (H&H) Analyses: H&H analyses will be performed using the City's Drainage Criteria Manual (DCM) in effect at the time the contract is executed.

- A. Create a StormCAD model representing post-project conditions to develop underground storm drain size recommendations.
 - i. Recommendations will be based on the TxDOT design criteria for a Minor Arterial roadway.
 - ii. Size requirements to meet the City's design criteria will also be developed.
 - iii. Size recommendations will be provided for one (1) segment.
 - iv. The Town Creek outfall will consider the following two (2) alignments:
 - 1. Town Creek outfall into existing culvert at N. Llano Street (dependent on structural engineer's determination from Task Item 3Bii).
 - 2. Town Creek outfall downstream of existing culvert at N. Llano Street.
- B. Perform a hydrologic impact analysis to identify peak flow rates for the Town Creek project area for the 2-yr, 10-yr, 25-yr, and 100-yr storm events.
 - i. Update Town Creek effective hydrologic model with Atlas 14 data.
 - ii. Subdivide drainage areas to be specific to this project site.
 - iii. Update hydrologic parameters to represent pre-project conditions and post-project conditions.
 - iv. Compare timing and peak flow rates between pre-project and post-project conditions.
- C. If the hydrologic impact analysis shows increased flow downstream of the proposed storm drain improvements, perform a hydraulic impact analysis in HEC-RAS for the receiving stream of Town

Creek to assess impacts to the flood stage. Developing flood mitigation solutions will be an additional service, if warranted.

- D. Summarize findings with figures and tables as applicable.
5. **Prepare an Engineering Feasibility Report (EFR):** Prepare a digital report summarizing the above tasks 1-4, for use in development of final design documents. A preliminary opinion of probable construction cost will also be prepared based on the preliminary improvement recommendations.
6. **Utility Coordination:** FNI will identify potential utility conflicts and discuss potential utility relocation needs. Based on input and franchise utility background information provided by City staff, available GIS data, and information picked up during the field reconnaissance visit, determine the utilities to be avoided, those to be accommodated, and which ones may require relocation.
7. **Geotechnical Engineering Services:** Subcontract firm to perform geotechnical services of the Project Area. A summary of the geotechnical services to be provided by the subcontractor is as follows:
- A. Review the Geologic Atlas of Texas to study general subsurface conditions that are expected in the Project area.
 - B. Visit the site before drilling to select locations for exploratory borings. Geotechnical Engineer will stake the specific locations after checking underground utilities, other existing construction, and accessibility. If any clearing is required, FNI will notify the OWNER.
 - C. Coordinate with the City and Texas One-Call regarding underground utilities within the vicinity of the planned boring locations prior to commencement of the field exploration activities
 - D. Coordinate with TxDOT to obtain relevant right-of-way permit(s) prior to commencement of the field exploration activities along Highway 16. Provide traffic control signs and cones when drilling in TxDOT ROW, if required.
 - E. Drill four (4) exploratory borings for use in informing the final design.
 - F. Perform the geotechnical engineering analysis based on the boring data and prepare a Geotechnical Data Report (GDR).
8. **Design Survey:** Subcontract firm to perform site survey of the Project Area. A summary of the surveying services is as follows:
- A. The survey will include horizontal and vertical control adequately documented on the construction plans and all points necessary to establish Project construction in the field. The survey will be provided in Texas State Plane, NAD 83, NAVD 88 in grid coordinates with grid to surface conversion factor.
 - B. The topographic survey will include:
 - i. One-foot contours within the project area;
 - ii. Location of boundary monuments, easements and ROW lines;
 - iii. Location of surface features
 - iv. Infrastructure parameters for existing utilities.
 - v. Location of geotechnical borings.
 - C. Provide one digital AutoCAD copy with an ASCII file of points.
9. **Intermediate Design (60% Drawings):** Develop the 60% final design plans for the proposed project.
- A. Construction Drawings:
 - i. General Sheets: Cover sheet outlining the project limits, general notes, control point sheet, and summary sheet index;
 - ii. Site plan representing existing conditions survey and planned improvements;
 - iii. Drainage area map and summary calculations for the project;
 - iv. Preliminary plan view layout of the storm drainage system showing outfall location and size, inlet locations and size, maintenance access, storm conduit location and sizes, slopes and hydraulic grade lines.

- v. Construction details and notes;
- vi. Preliminary Traffic Control plan per TMUTCD guidelines and utilizing City/TxDOT standard details;
- vii. Erosion control and sedimentation control (E&S) sheets, including the SWPPP narrative;
- B. Provide a list of standards specifications, including draft of special provisions and/or specifications;
- C. Updated Engineer's Opinion of Probable Construction Cost.
- D. Perform quality control and quality assurance review for the 60% plans
- E. Submit digital plans to City, TxDOT, and TWDB

10. Pre-final Design (90% Drawings): Develop the 90% final design plans for the proposed project.

- A. Prepare 90% complete drawings and technical specifications;
- B. Develop 90% complete Opinion of Probable Cost;
- C. Perform quality control and quality assurance review for the 90% plans
- D. Submit digital plans to City, TxDOT, and TWDB

11. Final Design (100% Drawings): Address comments, if any, from the City on the construction documents and prepare Bid Documents.

- A. Prepare 100% complete drawings and technical specifications. Effort will include updating the construction plans based on receipt of final comments;
- B. Perform quality control and quality assurance review for the 100% documents;
- C. Develop and seal the final opinion of probable construction cost for the authorized project;
- D. Submittal of digital bid documents to TWDB for review.
- E. Submittal of digital bid documents to TxDOT for review.

12. Environmental Permitting:

- A. Coordinate with Texas Historical Commission for protection of cultural resources. Based on a preliminary evaluation of the project limits, investigations beyond a project notification letter are considered an additional service.
- B. Fill discharges within Town Creek will require USACE authorization under Section 404 of the Clean Water Act. This scope of work assumes that the construction activities associated with this project would be authorized with a Nationwide Permit (NWP) without a Pre-Construction Notification (PCN). If a PCN is required, this can be completed as an additional service.

ADDITIONAL SERVICES:

Services to be performed by FNI, if authorized by the OWNER, which are not included in the above described services, will be considered an additional service, including items listed below. Should the OWNER and FNI agree additional services are required, FNI will prepare a cost proposal for such services and obtain authorization from the OWNER prior to performing any additional services.

1. Submit Outlay Reports to the TWDB on a monthly or quarterly basis throughout the life of the project.
 - A. Quarterly reporting from the time of closing until construction begins
 - B. Monthly reporting once construction begins until the completion of the project
2. Preparation of a TWDB Environmental Data Form (EDF) or Environmental Information Document (EID).
3. Texas Parks and Wildlife Department (TPWD) Aquatic Resource Relocation Plan and Freshwater Mussel Recovery.
4. US Fish and Wildlife Service Biological Assessment (BA) for potential impacts to federally-listed freshwater mussels.
5. Project close out services for TWDB.
6. Bid Phase Services
7. Construction Phase Services

TIME OF COMPLETION:

FNI is authorized to commence work on the Project upon execution of this AGREEMENT and agrees to complete the services in accordance with the following schedule.

DESIGN PHASE:

Development of EFR:	12 weeks from receipt of NTP
Survey/Geotechnical:	10 weeks from finalization of EFR
60% Design:	14 weeks from receipt of comments on EFR
90% Design:	8 weeks from receipt of comments on 60% design
100% Design:	8 weeks from receipt of comments on 90% design

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in Owner or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this AGREEMENT.

RESPONSIBILITIES OF OWNER:

Owner shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Designate in writing a person to act as Owner's representative with respect to the services to be rendered under this Agreement. Such person shall have contract authority to transmit instructions, receive information, interpret and define Owner's policies and decisions with respect to FNI's services for the Project.
- B. Provide all criteria and full information as to Owner's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which Owner will require to be included in the plans and specifications.
- C. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to the Project.
- D. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this Agreement.
- E. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as Owner deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of FNI.
- F. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as Owner may require or FNI may reasonably request with regard to legal issues pertaining to the Project.

COMPENSATION

ATTACHMENT CO

Compensation to FNI for Basic Services in Attachment SC shall be the lump sum of Three Hundred Forty Nine Thousand Two Hundred Dollars (\$349,200).

If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>
Professional 1	119
Professional 2	144
Professional 3	164
Professional 4	187
Professional 5	219
Professional 6	252
Construction Manager 1	103
Construction Manager 2	128
Construction Manager 3	138
Construction Manager 4	173
Construction Manager 5	209
Construction Manager 6	240
Construction Representative 1	92
Construction Representative 2	103
Construction Representative 3	128
Construction Representative 4	138
CAD Technician/Designer 1	101
CAD Technician/Designer 2	132
CAD Technician/Designer 3	161
Corporate Project Support 1	97
Corporate Project Support 2	117
Corporate Project Support 3	155
Intern / Coop	60
Senior Advisor	175

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates		<u>B&W</u>	<u>Color</u>	
	Small Format (per copy)	\$0.10	\$0.25	Valve Crew Vehicle (hour) \$75
	Large Format (per sq. ft.)			Pressure Data Logger (each) \$200
	Bond	\$0.25	\$0.75	Water Quality Meter (per day) \$100
	Glossy / Mylar	\$0.75	\$1.25	Microscope (each) \$150
	Vinyl / Adhesive	\$1.50	\$2.00	Pressure Recorder (per day) \$100
				Ultrasonic Thickness Gauge (per day) \$275
				Coating Inspection Kit (per day) \$275
	Mounting (per sq. ft.)	\$2.00		Flushing / Cfactor (each) \$500
	Binding (per binding)	\$0.25		Backpack Electrofisher (each) \$1,000
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.05. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.05. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These ranges and/or rates will be adjusted annually in February. Last updated 2022.

2062022

TERMS AND CONDITIONS OF AGREEMENT

1. **DEFINITIONS:** As used herein: (1) Client refers to the party named as such in the Agreement between the Client and FNI; (2) FNI refers to Freese and Nichols, Inc., its employees and agents, and its subcontractors and their employees and agents; and (3) Services refers to the professional services performed by FNI pursuant to the Agreement.
2. **INFORMATION FURNISHED BY CLIENT:** Client will assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. FNI shall have no liability for defects or negligence in the Services attributable to FNI's reliance upon or use of data, design criteria, drawings, specifications, or other information furnished by Client. To the fullest extent permitted by law, Client agrees to indemnify and hold FNI harmless from any and all claims and judgments, and all losses, costs, and expenses arising therefrom. FNI shall disclose to Client, prior to use thereof, defects or omissions in the data, design criteria, drawings, specifications, or other information furnished by Client to FNI that FNI may reasonably discover in its review and inspection thereof.
3. **STANDARD OF CARE:** The standard of care for all professional Services performed or furnished by FNI under this Agreement will be the skill and care ordinarily used by members of the subject profession practicing under the same or similar license and circumstances at the same time and in the same locality. FNI makes no warranties, express or implied, under this Agreement or otherwise, in connection with any Services performed or furnished by FNI.
4. **INSURANCE:** FNI shall provide Client with certificates of insurance with the following minimum coverage:

Commercial General Liability

\$2,000,000 General Aggregate

Automobile Liability (Any Auto)

\$1,000,000 Combined Single Limit

Workers' Compensation

As required by Statute

Professional Liability

\$3,000,000 Annual Aggregate

5. **CHANGES:** Client, without invalidating the Agreement, may order changes within the general scope of the Services required by the Agreement by altering, adding, and/or deducting from the Services to be performed. If any such change under this clause causes an increase or decrease in FNI's cost or the time required for the performance of any part of the Services, an equitable adjustment will be made by mutual agreement and the Agreement will be modified in writing accordingly.

FNI will make changes to the drawings, specifications, reports, documents, or other deliverables as requested by Client. However, when such changes differ from prior comments, directions, instructions, or approvals given by Client or are due to causes not solely within the control of FNI, FNI shall be entitled to additional compensation and time required for performance of such changes to the Services authorized under this Agreement.

6. **OPINION OF PROBABLE CONSTRUCTION COSTS:** No fixed limit of project construction cost shall be established as a condition of the Agreement, unless agreed upon in writing and signed by the parties hereto. If a fixed limit is established, FNI shall be permitted to include contingencies for design, bidding, and price escalation in the construction contract documents to make reasonable adjustments in the scope of the Project to adjust the project construction cost to the fixed limit. Such contingencies may include bid allowances, alternate bids, or other methods that allow FNI to determine what materials, equipment, component systems, and types of construction are to be

included in the construction contract documents. Fixed limits, if any, shall be increased by the same amount as any increase in the contract price after execution of the construction contract.

FNI will furnish an opinion of probable construction or program cost based on present day pricing, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by FNI hereunder will be made on the basis of FNI's experience and qualifications and represent FNI's judgment as an experienced and qualified design professional. It is recognized, however, that FNI does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices. Accordingly, FNI cannot and does not warrant or represent that bids or cost proposals will not vary from the Client's project budget or from any estimate or opinion of probable construction or program cost prepared by or agreed to by FNI.

7. **PAYMENT:** Progress payments may be requested by FNI based on the amount of Services completed. Payment for the Services of FNI shall be due and payable upon submission of a statement for Services to Client and in acceptance of the Services as satisfactory by Client. Statements for Services shall not be submitted more frequently than monthly. Any applicable taxes imposed upon Services, expenses, and charges by any governmental body after the execution of this Agreement will be added to FNI's compensation.

If Client fails to make any payment due FNI for Services, expenses, and charges within 30 days after receipt of FNI's statement for Services therefore, the amounts due FNI will be increased at the rate of 1 percent per month from said 30th day, and, in addition, FNI may, after giving 7 days' written notice to Client, suspend Services under this Agreement until FNI has been paid in full for all amounts due for Services, expenses, and charges.

If FNI's Services are delayed or suspended by Client or are extended for more than 60 days through no fault of FNI, FNI shall be entitled to equitable adjustment of rates and amounts of compensation to reflect reasonable costs incurred by FNI in connection with such delay or suspension and reactivation and the fact that the time for performance under this Agreement has been revised.

8. **OWNERSHIP OF DOCUMENTS:** All drawings, reports, data, and other project information developed in the execution of the Services provided under this Agreement shall be the property of Client upon payment of FNI's fees for Services. FNI may retain copies for record purposes. Client agrees such documents are not intended or represented to be suitable for reuse by Client or others. Any reuse by Client or by those who obtained said documents from Client without written verification or adaptation by FNI, will be at the Client's sole risk and without liability or legal exposure to FNI, or to FNI's independent associates or consultants. To the fullest extent permitted by law, Client shall indemnify and hold harmless FNI and FNI's independent associates and consultants from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle FNI to further reasonable compensation. FNI may reuse all drawings, report data, and other project information in the execution of the Services provided under this Agreement in FNI's other activities. Any reuse by FNI will be at FNI's sole risk and without liability or legal exposure to Client, and FNI shall indemnify and hold harmless Client from all claims, damages, losses, and expenses including reasonable attorneys' fees arising out of or resulting therefrom.
9. **TERMINATION:** The obligation to provide Services under this Agreement may be terminated by either party upon 10 days' written notice. In the event of termination, FNI will be paid for all Services rendered and reimbursable expenses incurred to the date of termination and, in addition, all reimbursable expenses directly attributable to termination.

10. **CONSTRUCTION REPRESENTATION:** If required by the Agreement, FNI will furnish construction representation according to the defined scope for these Services. FNI will observe the progress and the quality of work to determine in general if the work is proceeding in accordance with the construction contract documents. In performing these Services, FNI will report any observed deficiencies to Client, however, it is understood that FNI does not guarantee the contractor's performance, nor is FNI responsible for the supervision of the contractor's operation and employees. FNI shall not be responsible for the contractor's means, methods, techniques, sequences, or procedures of construction or the safety precautions and programs incident to the work of the contractor. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the project site or otherwise performing any of the work of the Project. If Client designates a resident project representative that is not an employee or agent of FNI, the duties, responsibilities, and limitations of authority of such resident project representative will be set forth in writing and made a part of this Agreement before the construction phase of the Project begins.
11. **GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT:** Client agrees to include provisions in the general conditions of the construction contract that name FNI: (1) as an additional insured and in any waiver of subrogation rights with respect to such liability insurance purchased and maintained by the contractor for the Project (except workers' compensation and professional liability policies); and (2) as an indemnified party in the indemnification provisions where the Client is named as an indemnified party.
12. **POLLUTANTS AND HAZARDOUS WASTES:** It is understood and agreed that FNI has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at the project site, if any, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. The parties agree that in performing the Services required by this Agreement, FNI does not take possession or control of the subject site, but acts as an invitee in performing the Services, and is not therefore responsible for the existence of any pollutant present on or migrating from the site. Further, FNI shall have no responsibility for any pollutant during clean-up, transportation, storage or disposal activities.
13. **SUBCONTRACTS:** If, for any reason and at any time during the progress of providing Services, Client determines that any subcontractor for FNI is incompetent or undesirable, Client shall notify FNI accordingly and FNI shall take immediate steps for cancellation of such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in the Agreement shall create any contractual relation between any subcontractor and Client.
14. **PURCHASE ORDERS:** If a purchase order is used to authorize FNI's Services, only the terms, conditions, and instructions typed on the face of the purchase order shall apply to this Agreement. Should there be any conflict between the purchase order and the terms of this Agreement, then this Agreement shall prevail and be determinative of the conflict.
15. **CONSEQUENTIAL DAMAGES:** In no event shall FNI be liable in contract, tort, strict liability, warranty, or otherwise for any special, indirect, incidental, or consequential damages (such as loss of product, loss of use of equipment or systems, loss of anticipated profits or revenue, non-operation or increased expense of operation), arising out of, resulting from, or in any way related to this Agreement or the Project.
16. **ARBITRATION:** No arbitration, arising out of or relating to this Agreement, involving one party to this Agreement may include the other party to this Agreement without their approval.

17. **SUCCESSORS AND ASSIGNMENTS:** Client and FNI and the partners, successors, executors, administrators, and legal representatives of each are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

Neither Client nor FNI shall assign, sublet, or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent FNI from employing such independent associates and consultants as FNI may deem appropriate to assist in the performance of Services hereunder.

18. **TWDB CONTRACTING GUIDELINES:** This Agreement shall be subject to the TWDB Subcontracting Guidelines specified below. FNI and its subconsultants, if any, will be required to incorporate these Subcontracting Guidelines into any and all subcontracts to this Agreement. FNI agrees and acknowledges that it is subject to all applicable subcontracting requirements of the contract between Client and the TWDB and adopts those requirements into this Agreement by reference.

The following provisions are required in all TWDB subcontracts:

- i. **Contract Dates:** Agreement should include a starting date and ending date.
- ii. **Contract Amount:** Agreement should list the total value of the subcontract.
- iii. **Terms of Reimbursement:** Subcontracts must be cost reimbursable. Lump sum agreements are not permitted for services. Please also note that the TWDB does not reimburse "handling costs" (mark-ups) on any expenses. Any eligible travel expenses related to a subcontract may be reimbursed at the current rate for State of Texas employees which can be found at:
<https://fm.x.cpa.state.tx.us/fmx/travel/texttravel/trans/personal.php>
- iv. **Scope of Work:** The terms of the scope of work must be consistent with the scope of the prime agreement.
- v. **Task Budget:** As appropriate. The task budget must be consistent with the task budget specified in the TWDB prime agreement.
- vi. **Expense Budget:** As appropriate. The expense budget must be consistent with the expense budget specified in the TWDB prime agreement.
- vii. **Signatures:** Each subcontract must be executed appropriately by signature, by each party to the agreement.

Specific Clause Requirements

The requirements listed below must be included in TWDB subcontracting agreements and shall apply to this Agreement to the extent that FNI and its subconsultant(s) are considered a Subcontractor or Sub-Subcontractor under the applicable TWDB contract.

- i. **State Auditor:** By executing this Contract, the SUBCONTRACTOR accepts the authority of the State Auditor's Office, under direction of the legislative audit committee, to conduct audits and investigations in connection with any and all state funds received pursuant to this contract. The SUBCONTRACTOR shall comply with and cooperate in any such investigation or audit. The

SUBCONTRACTOR agrees to provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit. The SUBCONTRACTOR also agrees to include a provision in any subcontract related to this contract that requires the SUBCONTRACTOR to submit to audits and investigation by the State Auditor's Office in connection with any and all state funds received pursuant to the subcontract.

- ii. **Financial Records:** The SUBCONTRACTOR (S) and its contracted parties shall maintain satisfactory financial accounting documents and records, including copies of invoices and receipts, and shall make them available for examination and audit by the EXECUTIVE ADMINISTRATOR of the TWDB. Accounting by the SUBCONTRACTOR (S) and its contracted parties shall be in a manner consistent with generally accepted accounting principles.
- iii. **No Debt Against the State:** This SUBCONTRACT and Agreement shall not be construed as creating any debt by or on behalf of the State of Texas and the TWDB, and all obligations of the State of Texas are subject to the availability of funds. To the extent the performance of this SUBCONTRACT transcends the biennium in which this SUBCONTRACT is entered into, this SUBCONTRACT is specifically contingent upon the continued authority of the TWDB and appropriations therefore.
- iv. **Licenses, Permits and Insurance:** For the purpose of this CONTRACT, the SUBCONTRACTOR (S) will be considered an independent SUBCONTRACTOR and therefore solely responsible for liability resulting from negligent acts or omissions. The SUBCONTRACTOR (S) shall obtain all necessary insurance, in the judgment of the SUBCONTRACTOR (S), to protect themselves, the CONTRACTOR, the TWDB, and employees and officials of the TWDB from liability arising out of this CONTRACT. The SUBCONTRACTOR (S) shall indemnify and hold the TWDB and the State of Texas harmless, to the extent the SUBCONTRACTOR (S) may do so in accordance with state law, from any and all losses, damages, liability, or claims therefore, on account of personal injury, death, or property damage of any nature whatsoever caused by the SUBCONTRACTOR (S), arising out of the activities under this CONTRACT.

The SUBCONTRACTOR (S) shall be solely and entirely responsible for procuring all appropriate licenses and permits, which may be required by any competent authority for the SUBCONTRACTOR (S) to perform the subject work.

- v. **Ownership (Does Not Apply to Regional Water Planning Agreements):** The TWDB shall have unlimited rights to technical or other data resulting directly from the performance of services under this CONTRACT. It is agreed that all reports, drafts of reports, or other material, data, drawings, computer programs and codes associated with this CONTRACT and developed by the SUBCONTRACTOR (S) or its contracted parties pursuant to this CONTRACT shall become the joint property of the SUBCONTRACTOR (S) and the TWDB. These materials shall not be copyrighted or patented by the SUBCONTRACTOR (S) or by any consultants involved in this CONTRACT unless the EXECUTIVE ADMINISTRATOR of the TWDB approves in writing the right to establish copyright or patent; provided, however, that copyrighting or patenting by the SUBCONTRACTOR (S) or its SUB-SUBCONTRACTORS will in no way limit the TWDB 's access to or right to request and receive or distribute data and information obtained or developed pursuant to this CONTRACT. Any material subject to a TWDB copyright and produced by the SUBCONTRACTOR (S) or TWDB pursuant to this CONTRACT may be printed by the SUBCONTRACTOR (S) or the TWDB at their own cost and distributed by either at their discretion. The SUBCONTRACTOR (S) may otherwise utilize such material provided under this CONTRACT as it deems necessary and appropriate, including the right to publish and distribute the materials or any parts thereof

under its own name, provided that any TWDB copyright is appropriately noted on the printed materials.

The SUBCONTRACTOR (S) and its contracted parties agree to acknowledge the TWDB in any news releases or other publications relating to the work performed under this CONTRACT.

- vi. **Ownership (Only Applies to Regional Water Planning Agreements):** It is agreed that all reports, drafts of reports, or other material, data, drawings, computer programs and codes associated with this contract and developed by the SUBCONTRACTOR pursuant to this contract shall become the joint property of the REGIONAL WATER PLANNING GROUP, SUBCONTRACTOR and its SUB-SUBCONTRACTOR(S), and the Texas Water Development Board. These materials shall not be copyrighted or patented by the SUBCONTRACTOR. SUBCONTRACTOR agrees that neither the Regional Water Planning Group nor the Texas Water Development Board are parties to this contract and agrees that that these entities have no liability under the terms of this contract. The Texas Water Development Board is solely a third-party beneficiary under this contract.
- vii. **Compliance with Board Rules and State Law (Only Applies to Regional Water Planning Agreements):** The SUB-CONTRACTOR (S) shall comply with BOARD rules and adhere to all requirements in state law pertaining to the procurement of professional services.

DESIGNATED REPRESENTATIVES:

FNI and Owner designate the following representatives:

OWNER's Designated Representative

Name: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

OWNER's Accounting Representative

Name: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

FNI's Project Manager

Elliot Poduska, P.E., CFM

9601 McAllister Fwy, Ste. 1008

San Antonio, Texas 78216

Phone: 210-298-3814

E-mail: Elliot.Poduska@freese.com

FNI's Accounting Representative

Billy Metzger

10431 Morado Circle

Austin, Texas 78759

Phone: 512-617-3177

Fax: 512-617-3101

E-mail: Billy.Metzger@freese.com



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Clinton Bailey, City Manager

MEETING DATE: January 17, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Short-Term Rental (STR) Permitting and Code Enforcement Update

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Date: January 10, 2023

Clinton Bailey, City Manager



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: January 17, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Update on City Water Supply

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: January 10, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Clinton Bailey, City Manager

MEETING DATE: January 17, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Employment Vacancies Update

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Date: January 10, 2023

Clinton Bailey, City Manager



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: January 17, 2023

CATEGORY: ITEMS FOR FUTURE AGENDA

CAPTION: Review the Future Agenda Spreadsheet (Clinton Bailey, City Manager).

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. 1-17-2023 Future Agenda Worksheet 2023

APPROVAL/REVIEW:

Date: January 10, 2023

Shelley Goodwin, City Secretary

Future Agenda Items

2-8-2023 City Council Special Meeting

<u>Item #</u>	<u>Name of Item</u>	<u>Action</u>	<u>Creator</u>	<u>Department</u>
2023-2	Consider approval of City Council Minutes for the January 17, 2023, Regular Meeting.	Consent	Shelley Goodwin	City Secretary
2023-3	Consider approval of City Council and P&Z January 17, 2023 Joint Meeting Minutes	Consent	Shelley Goodwin	City Secretary
2023-4	Order calling the May 6, 2023 General Election	Approve	Shelley Goodwin	City Secretary
2023-5	Consider the HOT Recipient Process and deadlines	Discussion	Shelley Goodwin	City Secretary
2022-44	Convention & Visitor Bureau Lease Agreement (recent lease ended 12-31-2022 and is now on a month-to-month basis)	Approval	Andrea Schmidt	Parks & Recreation
2023-8	Cross Mountain replacement final plans	Approval	Andrea Schmidt	Parks & Recreation
2023-48	Exchange Easement – Hill Country Memorial Hospital	Consent	Kris Kneese	Public Works - Streets, Water, Sanitation, Drainage, and Electric
2023-49	2023 Water Supply and Weather Outlook Presentation	Discussion	Kris Kneese	Public Works - Streets, Water, Sanitation, Drainage, and Electric

Future Agenda Items

2-21-2023 City Council Regular Meeting

<u>Item #</u>	<u>Name of Item</u>	<u>Action</u>	<u>Creator</u>	<u>Department</u>
2023-6	Consider approval of City Council Minutes for the January 17, 2023, Regular Meeting.	Consent	Shelley Goodwin	City Secretary
2023-7	Consider the approval of Resolution 2023 - R to appoint Election Judges and approve other election processes	Approval	Shelley Goodwin	City Secretary
2023-50	Z-2229 - 510 Mueller #23 CUP	Public Hearing & Approval	Shelby Collier	Development Services
2023-51	Z-2232 - A - 106 E. Nimitz Land Use Change	Public Hearing & Approval	Shelby Collier	Development Services
2023-52	Z-2232 - B - 106 E. Nimitz Zoning Change	Public Hearing & Approval	Shelby Collier	Development Services
2023-53	Z-2234 - 901 E. Highway St Condominium Residential CUP	Public Hearing & Approval	Shelby Collier	Development Services
2023-54	Z-2235 - 903 N. Milam STR-Nonconforming Expansion CUP	Public Hearing & Approval	Shelby Collier	Development Services
2023-46	Evaluations (City Manager and Municipal Judge)	Executive Session	Clinton Bailey	City Manager

Future Agenda Items

Future Agenda Items

<u>Item #</u>	<u>Name of Item</u>	<u>Action</u>	<u>Proposed Agenda date</u>	<u>Creator</u>	<u>Department</u>
	Naming rights for Market Square requested by Market Square Redevelopment Commission	Approval		Andrea Schmidt	Parks and Recreation
	Boards and Commissions (1 Market Square Redevelopment vacancy)	Approve	March 2023	Shelley Goodwin	City Secretary
	W. Live Oak Zoning & Land Use Change	Public Hearing and approval of Ordinance		Anna Hudson	Development Services Director
	Intersection Traffic Control Device Modifications	Public Hearing/ Approval		Garret Bonn	Public Works - Streets, Water, Sanitation, Drainage, and Electric
	Soccer Fields 1) Existing soccer field lease 2) Long term agreement with Soccer Assoc. for construction of field 3) Ernst property decision	Update	February or March	Andrea Schmidt	Parks and Recreation
	Events - mass event rentals and fees at Market Square	Discussion	January 2023	Jennifer Krupa	Parks and Recreation
	Future Plans for Landfill	Discussion		Garret Bonn	Public Works - Streets, Water, Sanitation, Drainage, and Electric

Future Agenda Items

Performance Agreement - Friendship Oaks
Phase I

Approval
Agreement

Evan
Williamson

Engineering

Purchasing Policy

Approval of
Resolution

Laura
Hollenbeak

Finance

Ordinance for collection of debits on Civil
Admin. Hearing items

Approval of
Ordinance