

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, MARCH 17, 2014 ~ 7:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Jeryl Hoover, Mayor
Tim Dooley, Council Member
Graham Pearson, Council Member

Gary Neffendorf, Council Member
Kathy Sanford, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.)

A G E N D A

CALL TO ORDER.

Page Ref

PLEDGE OF ALLEGIANCE.

1. **CONSENT AGENDA** - *All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.*

- | | |
|--|------------|
| A. Consider Appointment to Convention & Visitor Bureau Board - Krista Gratini. | 1 |
| B. Consider contract with West Central Wireless for the Cell Tower at City Hall. | 2-3 |

2. **PUBLIC HEARING**

- | | |
|---|-------------|
| A. <u>PUBLIC HEARING</u> (Z-1401) by Kevin Kunz for a Conditional Use Permit to allow a Convenience Storage Facility in the C-2 Commercial Zoning District located at 711 Brehmer Lane. | 4-17 |
|---|-------------|

3. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**

- | | |
|--|--------------|
| A. Receive Recommendation and Consider Z-1401. | |
| B. Consider Special Events Policy. | 18-42 |
| C. Consider Watering Restrictions. (1 st reading) | 43-60 |
| D. Consider Effluent Agreement with FISD. | 61-63 |

4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**

- | | |
|--|--------------|
| A. Consider Amendment to Budget for Utility Costs for Former Texas Ranger Heritage Center. | 64-67 |
| B. Receive Development Services Dept Report. | |

5. **CITY MANAGER'S REPORT**

- A. Recycling Survey Results
- B. Fort Martin Scott
- C. City Council/County Commissioners Joint Meeting.
- D. Employee Recognition.

6. **ITEMS FOR FUTURE AGENDAS**

7. **PUBLIC COMMENTS** - This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.
8. **COUNCIL COMMENTS** - No discussion or action may take place.
9. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government code Sections 551.071 (Consultation with Attorney, 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

A. Executive Session - Potential Litigation and Attorney Client Privilege Matters.
10. **ADJOURN**



CITY COUNCIL MEMO

DATE: March 17, 2014

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: CVB Board Appointment

Summary:

The CVB has nominated Krista Gratigni from the Admiral Nimitz Foundation for appointment to the CVB Board for a term expiring September 30, 2014.

Recommendation:

It is recommended that Krista Gratigni be appointed to the CVB Board.

Background / Analysis:

One of the CVB Board members, Helen McDonald, has recently retired from the Admiral Nimitz Foundation. The CVB Board has recommended that Helen be replaced by Krista Gratigni to complete her term on the Board which expires on September 30, 2014.

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CITY COUNCIL MEMO

DATE: March 12, 2014

TO: Mayor and City Council

FROM: Russell A Immel, Director of Information Technology

SUBJECT: Cellular Tower on City Hall

Summary:

At the January 20th regular City Council Meeting the council accepted, subject to an approved lease, the proposal from West Central Wireless to locate cellular antenna(s) and appropriate or necessary appurtenances on the concrete pad site atop City Hall where the siren is currently located. The Council requested the lease be negotiated by staff and the City Attorney, and after an acceptable lease is negotiated, the Council requested it be placed on a future agenda for approval.

Agreement shall be for an initial period of five (5) years, March 1, 2014 through February 28, 2019, and shall be automatically renewable after the initial five year term for twenty five successive one year periods at a rate outlined in this Agreement below, unless written notice of an intention not to renew the Agreement is given by either party to the other party at least ninety (90) days prior to the end of either the initial 5 year period or any subsequent one year renewal period. If Lessee continues to use the Leased Premises after the termination of this Agreement or after non-renewal of any subsequent one-year renewal Agreement, the terms of this Agreement shall continue to apply on a month-to-month basis without modification except that rent shall be automatically increased by 100% from the most recent amount in effect before the date of termination. For purposes of this Agreement, "continues to use" shall mean only that Lessee continues to provide services to its

②

The City of Fredericksburg

customers by way of a tower erected on the Leased Premises. Lessee cannot be deemed to "continue to use" the Leased Premises if it has given Lessor a "Notice of Abandonment."

Rent. Lessee shall pay Lessor rental of \$450.00 per month (\$5,400.00 per year) for the first year term of this Agreement and \$459.00 per month (\$5,508.00 per year) for the second year of the initial term, payable in advance for an entire year in full on or before the actual lease anniversary date. Rent will continue to increase 2% each year so long as the lease is in effect. This rental rate will be in effect so long as Lessor provides electrical power to Lessee's Antenna Facilities.

As additional consideration, Lessee will, at Lessee's expense remove the existing siren and connecting apparatus.

Recommendation:

Approval.

Background / Analysis:

As additional consideration, West Central Wireless will remove the existing, non-functional siren and connecting apparatus.

As this is in the Historical District, West Central Wireless made application with the Historic Review Board to erect the cellular site on City Hall and it was approved.

The City Attorney and City Manager have reviewed and recommend acceptance of the lease.

③

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CITY COUNCIL MEMO

DATE: March 12, 2014

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Conditional Use Permit to allow a Convenience Storage facility in C-2, Commercial Zoning District at 711 Brehmer Lane (Z-1401).

Summary:

The proposed project consists of two RV/Bus storage buildings, one convenience (self) storage building, and one office building on the site. The office building will accommodate an employee to manage the storage facilities during normal business hours. A portion of the office building may be rented to other tenants. The proposed site complies with applicable zoning regulations including building and impervious coverage, parking, setbacks and building height.

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the Conditional Use Permit with conditions as noted in the attached staff brief. Staff concurs with the Commission's recommendation of approval. One letter received in opposition to this request.

④

The City of Fredericksburg

Background / Analysis:

See attached Zoning Brief for request Z-1401



The City of Fredericksburg

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

CONDITIONAL USE PERMIT BRIEF

Request Z-1401

Applicant/Owner: Kevin Kunz
Location: 711 Brehmer Lane
Existing Zoning: C-2, Commercial
Request: Conditional Use Permit for Convenience Storage in C-2, Commercial District.

Site Plan Overview:

- The property has approximately 205' of frontage on Brehmer Lane, and a depth of approximately 177', totaling approximately 36,408 square feet (0.84 acres).
- The property is currently vacant.
- The applicant intends to develop the site with two RV/Bus storage buildings, one convenience storage building, and one office building.
- The property is surrounded by commercial to the north, vacant land to the east, catering business (My Own Chef) to the south and commercial to the west.
- Surrounding zoning is C-2 to the north, south and west, and R-2 to the east.
- Building coverage is estimated at 35% of the site, maximum is 75%.
- Impervious coverage is estimated at 78% of the site, maximum is 85%.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- Affirmative (see attached Site Plan).

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

- The proposed use would seem compatible with uses in the vicinity.

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

- We do not expect the proposed use to have a negative affect on adjacent properties.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- None.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- Access is limited to a single driveway and internal circulation is limited. No problems are anticipated.
- Brehmer Lane adjacent to this tract is in very poor condition. The City intends to rebuild this street in the future, when funds become available. We would anticipate this to happen in the next budget year.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- NA.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- The plan indicates that all lighting will be wall mounted and shielded.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Adequate parking is proposed.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- We believe the proposed use of convenience storage meets the purpose of the zoning.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

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

- Affirmative.

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

- Affirmative

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

- Affirmative

OPPOSITION/SUPPORT OF REQUEST: One letter received in opposition, none in support.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval, conditioned upon the following:

1. Landscape Plan being approved prior to issuance of a building permit.
2. Applicant addressing drainage prior to issuance of a building permit.
3. Deposit being made for curbing along Brehmer Lane.

STAFF RECOMMENDATION: Staff concurs with the Commission's recommendation of approval.

CASE NUMBER 7-1401

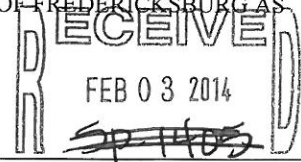
DATE _____

APPLICATION FOR CONDITIONAL USE PERMIT

Prior to submittal a pre-application meeting must be held with the Planning and Engineering Depts

APPLICATION IS HEREBY MADE TO THE PLANNING & ZONING COMMISSION AND THE CITY COUNCIL TO GRANT A CONDITIONAL USE PERMIT IN THE ZONING DISTRICT OF THE CITY OF FREDERICKSBURG AS HEREIN SET FORTH:

CONDITIONAL USE PERMIT - \$200.00



1. APPLICANT: Kevin Kunz
2. ADDRESS: 281 SK Lane, Fredericksburg, TX 78624
3. PHONE NUMBER: 830-997-7399 FAX NUMBER: _____
4. EMAIL ADDRESS: cculliganwater@austin.rr.com
5. OWNER (if different from applicant): same
6. ADDRESS: _____
7. PHONE NUMBER: _____ FAX NUMBER: _____
8. EMAIL ADDRESS: _____
9. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 711 Brehmer Lane, Fredericksburg, TX 78624
LEGAL DESCRIPTION: Lot. No. 1, The Brehmer Subdivision, Vol. 3-Page 33, Gillespie County Plat Record
LOT SIZE: 205'-7" wide x 176'-11" deep LOT AREA: 36,400 s.f. (.836 acres)
10. EXISTING ZONING: C-2 Commercial DISTRICT
11. CONDITIONAL USE PERMIT: Convenience Storage USE
CLASSIFICATION IN THE C-2 Commercial ZONING DISTRICT.

12. INFORMATION TO BE PROVIDED BY THE APPLICANT:

- A. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director of Development Services may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.

As indicated on the attached drawings, the owner proposes to construct two RV/Bus storage buildings, one convenience storage building, and one office building on the site. The office building will accommodate an employee to manage the storage facilities during normal business hours. A portion of the office building may be rented to other tenants yet to be determined.

(attach additional sheet if necessary)

- B. Seven (7) copies of a site plan (24 x 36 inches) and 1 copy of a reduced site plan (11 x 17 inches) showing preliminary building elevations, preliminary improvement plans, and such additional maps and drawings all sufficiently dimensioned as required to illustrate the following:
1. The date, scale, north point, title, name of owner, and the name of the person preparing the site plan.
 2. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys, and the 100 year flood plain.

3. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.
5. The location of water courses and drainage features.
6. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
7. For sites with an average slope greater than ten (10%) percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
8. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

13. SIGNATURE OF APPLICANT: [Signature]

NOTE: If the applicant is not the legal owner of the property, signed statement by the owner that the applicant is the authorized agent of the owner of the property, or the signature of the owner below, is required.

SIGNATURE OF OWNER: [Signature]

DATE: 1-31-14

FEE PAID: \$200

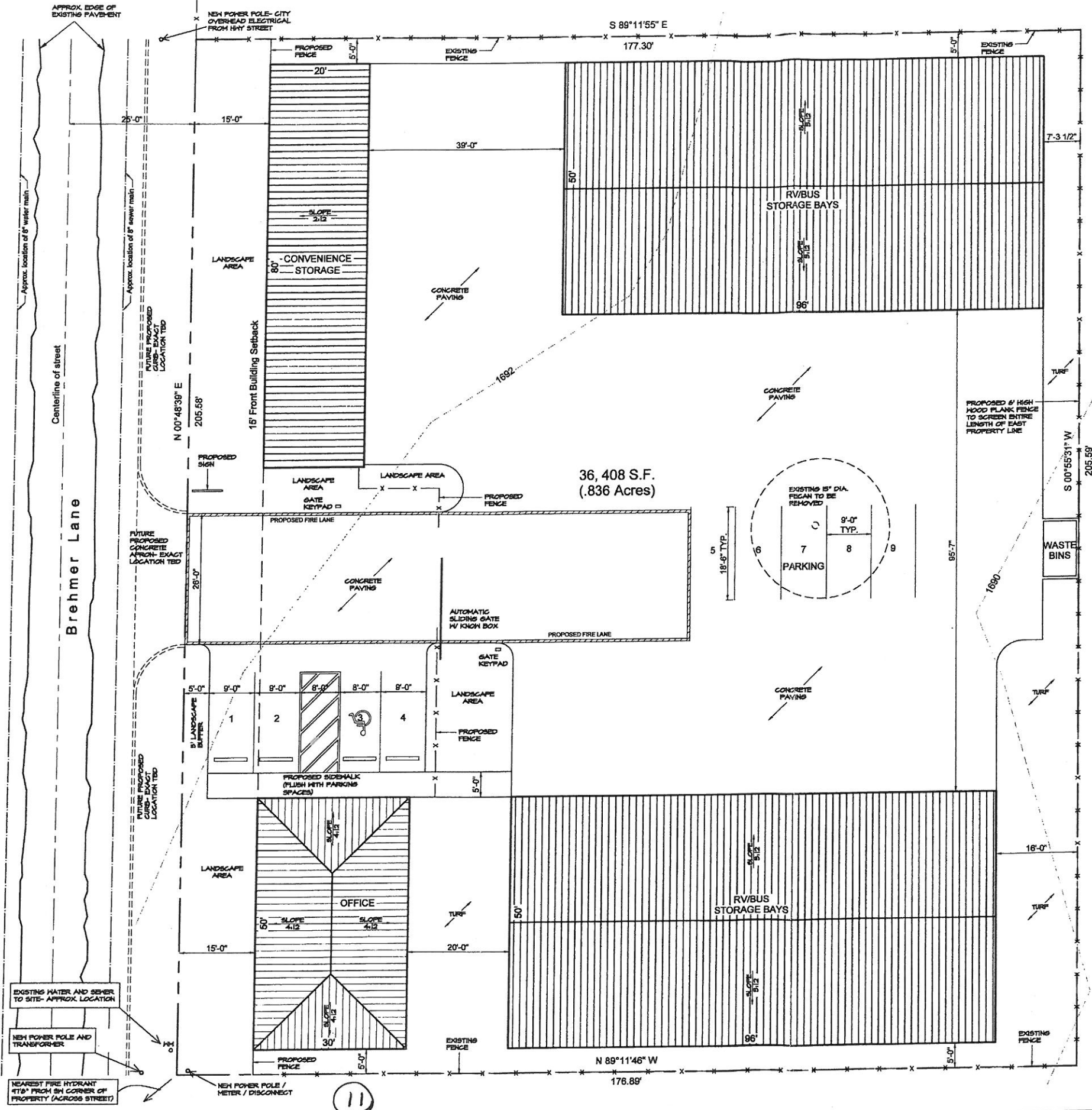
TITLE SEARCH: February 23, 2007 to January 30, 2014
(Date)

14. CONSENT OF LIENHOLDER: [Signature]

(SIGNATURE)

NOTE: If this property is encumbered by lien, consent of the lienholder is required.

15. List of property owners within 200 feet. (provided by City)
16. Return completed application to: Tammie Loth, City of Fredericksburg, 126 W. Main St., Fredericksburg, Texas 78624.



DEVELOPMENT NOTES:

COMMERCIAL ZONING
 PROPERTY ZONED "C-2". BUILDING SET BACKS AS FOLLOWS:
 15' MIN. FRONT YARD SETBACK
 0' MIN. INTERIOR SIDE YARD SETBACK (ADJACENT PROPERTIES C-2)
 0' MIN. REAR YARD SETBACK (ADJACENT PROPERTY R-2)

PROPOSED PREVIOUS - IMPERVIOUS COVERAGE

TOTAL SITE AREA = 36,408 S.F. (.836 ACRES)
 IMPERVIOUS COVER = 28,515 S.F. (78%)
 MAX ALLOWED = 80%
 BUILDING COVERAGE = 12,700 S.F. (35%)
 MAX ALLOWED = 75%
 ALL IMPERVIOUS GROUND COVER ASSUMED TO BE CONCRETE UNLESS OTHERWISE STATED BY OWNER

SITE DRAINAGE

APPROXIMATE EXISTING CONTOURS SHOWN ON DRAWING (2 FOOT INTERVALS). SITE SLOPES TOWARDS SOUTH EAST CORNER OF PROPERTY. SLOPE IS APPROXIMATELY 1.1% ACROSS SITE.

PROPOSED ON-SITE PARKING

OFFICE SPACE: 1 SPACE PER 400 S.F.
 1500 S.F. / 400 S.F. = 3.75 (4) SPACES
 CONVENIENCE #: 1 SPACE PER 2000 S.F.
 RV/BUS STORAGE 4600 S.F. / 2000 S.F. = 4.8 (5) SPACES
 TOTAL SPACES REQUIRED: 9 SPACES
 TOTAL SPACES PROVIDED: 9 SPACES

BUILDING INFORMATION

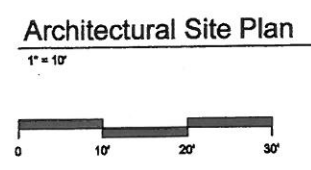
OFFICE:	GROSS AREA	1500 S.F.
	BUILDING HEIGHT	13 FEET (1 STORY)
RV/BUS STORAGE (2):	GROSS AREA	4800 S.F. (EACH)
	BUILDING HEIGHT	14 FEET (1 STORY)
CONVENIENCE STORAGE:	GROSS AREA	1600 S.F.
	BUILDING HEIGHT	12 FEET (1 STORY)

MAX. BUILDING HEIGHT ALLOWED ON SITE: 30 FEET (3 STORIES)
 NO BUILDINGS ON ADJUTING PROPERTIES WITHIN 50 FEET OF SITE

SITE LIGHTING AND SIGNAGE

THERE WILL BE NO POLE MOUNTED LIGHTING. PARKING AND DRIVEWAY AREAS WILL BE ILLUMINATED WITH WALL MOUNTED FLOOD LIGHTS, SHIELDED TO AVOID LIGHT SPILL ONTO ADJACENT PROPERTIES. SIGNAGE AT ENTRY DRIVE WILL BE ILLUMINATED BY GROUND MOUNTED FLOOD LIGHT.

RECEIVED
 FEB 24 2014



John Wm. Klein, Project Architect
 STEHLING-KLEIN-THOMAS ARCHITECTS P.L.L.C.
 FREDERICKSBURG, TEXAS
 PHONE 830-997-0363 FAX 830-990-9372
 CONTRACTOR'S NAME HERE



New Storage Facility
 For
 Kevin Kunz
 711 BREHMER LN.
 FREDERICKSBURG, TEXAS

DATE: 5 FEB. 2014
 PROJECT NUMBER:
 REVISION:
 24 FEB. 2014

SITE PLAN
 CONDITIONAL
 USE PERMIT
 A-0

S. WASHINGTON (HWY 87 S.)

(12)

ing

C1 - Neighborhood Commercial

C2 - Commercial

CBD - Central Business District

M1 - Light Manufacturing

M2 - Medium Manufacturing

M3 - Industrial Park

OS - Open Space

PF - Public Facilities

PUD - Planned Unit Development

R1 - Single Family Residential

R2 - Mixed Residential

R3 - Multi-Family Residential

R4 - Manufactured Home Residential

R5 - Patio Home Residential

Subject
Property



S. CREEK

DAWN
SUNRISE

BREMER LN.

LONGHORN

MUSTANG

APPLE

Z-1401

APPLE

Z-1401



S. CREEK

SUNRISE
DAWN

Subject
Property

BREMER LN.

LONGHORN

MUSTANG

MUSTANG

HIGHWAY ST.

Landuse

Rural

LDR

MDR

HDR

PF

PARK

COMM

IND

CBD-Downtown

CBD-Uptown

Mixed Use Corridor

Employment Center

Commercial Center

13

S. WASHINGTON / HWY 97 S.





S CREEK

DAWN
SUNRISE

A

E

Subject
Property
F

B

PREMIER LN.

D

C

200' Notification Area

HIGHWAY ST.

LONGHORN

MUSTANG

MUSTANG

15

S. WASHINGTON (HWY 87 S.)

APPLE

Z-1401



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

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

HEARING

DATE: MARCH 5, 2014

TIME: 5:30 PM

REQUEST

NUMBER: Z-1401

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and Zoning.

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

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING

DATE: MARCH 17, 2014

TIME: 7:00 PM

REQUEST

NUMBER: Z-1401

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: Kevin Kunz

LOCATION: 711 Brehmer Lane
(see accompanying map)

REQUEST: Conditional Use Permit to allow a convenience storage facility in the C-2, Commercial Zoning District

(DETACH BELOW)

REQUEST NO. Z-1401

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

Signed _____

Date _____

Printed Name _____

Address _____



CITY COUNCIL MEMO

DATE: March 17, 2014

TO: Mayor and City Council

FROM: John Culpepper, Director of Emergency Services

SUBJECT: Fredericksburg Special Events Policy

Summary:

The City of Fredericksburg encourages special events for the enjoyment of our citizens and visitors, our cultural heritage and the promotion of the City. Some gatherings and organized activities may place unique demands on public resources or pose a potential danger to the public health, safety, and welfare. Many of these events are growing in terms of size and scope. As a result, more and more City Resources are being devoted to special events. In order to plan for these demands and ensure the safety of our community, it is necessary that the City receive advance notice of these events. The proposed City of Fredericksburg Special Events Policy provides the necessary information to both promoters and City offices to effectively manage special events.

Recommendation:

Recommend that Council approve the City of Fredericksburg Special Events Policy based on the following time-line. 17 March to 21 April 2014 Staff to develop web-based policy pages, email addresses and hard copy distribution system. 21 April to 16 Jun 2014 Staff advertises new policy and contacts known promoters with policy details. 16 June 2014 Council considers and approves Special

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The City of Fredericksburg

Events Ordinance. 1 July 2014 full Policy implementation, all events taking place after 1 July 2014 must adhere to and conform to the City of Fredericksburg Special Events Policy.

Background / Analysis:

Special Events are vital to the life line of the City of Fredericksburg. Under the proposed Special Events Policy, events that would require a permit are those including:

- * Closing or partial closure of a Public Street
- * Blocking City owned property
- * Sale of merchandise or food/beverages on public property
- * Erecting a tent larger than 200 square feet on public property
- * Placement of a stage, trailer or other portable structures on public property
- * Placement of portable toilets on public property
- * Placement of temporary no-parking or pedestrian boundary signs on public property
- * Events involving more than 300 people at any one time on public property

Examples of special events requiring permits include, but are not limited to: Parades, Bike Races, Marathons / Runs / Walks, Fireworks Displays, Concerts, Festivals, Carnivals, Car Shows, Swap Meets, Other types of events that use public property or rights of way

Examples of events that DO NOT require Special Events Permits include, but are not limited to: Private Parties or Weddings of less than 300 people, Fund Raisers and other events held on private property, funerals and funeral processions (however, other ordinances such as regulations for noise, debris and parking must be observed at these non permitted events)

The Special events Policy is intended to be a user friendly, web-based system with hard copy back-up. In the attachment all bolded red letter items will be web pages or email addresses on the City Web site. The Policy is flexible and may use all or only one of the pages described in the attachment. Only two of the pages in the attached policy require input from promoters, the Promoter/Sponsor Checklist and the Special Event Permit Application -- all other pages are for customer information only.

The Promoter/Sponsor Checklist along with a promoter's reservation to utilize City facilities are necessary to begin the planning process in cooperation with City services such as police, health, fire, EMS, streets and emergency management. The Promoter/Sponsor checklist may be filed as much as 365 days prior to the event, but does not necessarily secure the promoter's special event.

A Special Event Permit Application (if required) must be completed at least 45 days before the event in order to assure time for city processing.

There are no fees associated with the Special Events Policy with the possible exception of a Temporary Health Permit which is already governed under other City regulations.



The City of Fredericksburg

City of Fredericksburg

Special Events

OVERVIEW



The City of Fredericksburg encourages special events for the enjoyment of our citizens and visitors, our cultural heritage and the promotion of the City. Some gatherings and organized activities may place unique demands on public resources or pose a potential danger to public health, safety and welfare. In order to plan for these demands and ensure the safety of our community, it is necessary that the City receive advance notice of these events.

A Special Event Permit is a written authorization from the City to hold an event. This permit is necessary when an event involves one or more of the following activities:

- Closing or partial closure of a public street
- Blocking city owned property
- Sale of merchandise or food/beverages on public property
- Erecting a tent larger than 200 square feet on public property
- Placement of a stage , trailer or other portable structures on public property
- Placement of portable toilets, temporary no-parking signs or pedestrian boundary markers on public property
- Events involving more than 300 people at any one time on public property

Examples

Examples of special events requiring permits include, but are not limited to:

- parades
- bike races

- o marathons/runs/walks
- o fireworks displays
- o concerts
- o festivals
- o carnivals, car shows, swap meets and other types of events that use public property or rights of way.

Examples of events that DO NOT require Special Events Permits include:

- o private parties or weddings of less than 300 people
- o fund raisers, and other events held on private property.
- o funerals and funeral processions

Other ordinances, such as regulations for noise, debris, and parking, must be observed.

About the Special Event Applications

A **City of Fredericksburg Promoter/Sponsor Checklist** along with your reservation to utilize City facilities is necessary to begin the planning process in cooperation with city services such as police, health, EMS, fire, streets and emergency management. The Promoter/Sponsor Checklist may be filed **as much as 365 days prior** to the event, but **DOES NOT** secure your special event. The following Special Events Permit Application will help in planning for your event.

A **Special Event Permit Application** must be completed at least **45 days** before the event in order to assure time for city processing.



Quick Links

The following rules and forms may apply to your event, depending upon the activities:

- **City of Fredericksburg Promoter/Sponsor Checklist**
- **Special Event Permit Application**
- **Procedures**
- **Insurance Requirements**
- **Fire and Food Safety Rules for Tents, Canopies and Trailers**
- **City Parks and Property Rules**
- **Temporary Sign Rules**
- **Special Events Ordinance**
- **Sample Notification Letter (Merchant)**
- **Sample Notification Letter (Resident)**



Please call (830) 997-7521 or write to specialevents@fbgtx.org for questions related to special events permits or visit us at 126 West Main Street, Fredericksburg.

City of Fredericksburg Promoter/Sponsor Event Checklist



Date Submitted: _____

Event Details

Name of Event: _____

Date(s) of Event: From: ____/____/____ to: ____/____/____

Daily Event Time: Date: _____ Start: _____ Finish: _____

Date: _____ Start: _____ Finish: _____

Date: _____ Start: _____ Finish: _____

Site: _____

Site Address: _____

Promoter: _____

Event Manager: _____

Address: _____

Contact: Phone: _____ Fax: _____

After/Hours: _____ Cell: _____

E-Mail: _____ Pager: _____

Event Web Site: _____

Site preparation start date: ____/____/____ Site vacated date: ____/____/____

Brief details of function (including entertainment and main attractions):

City of Fredericksburg
Promoter/Sponsor Event Checklist



Date Submitted: _____

Event Details

Name of Event: _____

Date(s) of Event: From: ____/____/____ to: ____/____/____

Daily Event Time: **Date:** _____ **Start:** _____ **Finish:** _____

Date: _____ **Start:** _____ **Finish:** _____

Date: _____ **Start:** _____ **Finish:** _____

Site: _____

Site Address: _____

Promoter: _____

Event Manager: _____

Address: _____

Contact: **Phone:** _____ **Fax:** _____

After/Hours: _____ **Cell:** _____

E-Mail: _____ **Pager:** _____

Event Web Site: _____

Site preparation start date: ____/____/____ **Site vacated date:** ____/____/____

Brief details of function (including entertainment and main attractions):

Security:

Which type of security will be present for the event? _____

Event security will commence on: ____/____/____ and conclude on: ____/____/____

Have relevant Law Enforcement departments been contacted in relation to security? **YES / NO**

If yes, what will be required of the Law Enforcement Agencies? _____

Is there a transportation plan, traffic plan, or street closure associated with the event? Yes / No

If yes please describe: _____

Signage

What signage, including emergency exits and those required under the local liquor laws, will need to be developed and obtained?

Will there be signage in languages other than English? **YES / NO**

Access and Egress for Patrons

What provisions will be made for patrons to access, move around, and leave the event venue (for example, gate control, pathways, free space, emergency exits)?

What provisions need to be made for persons with a disability to access and move around the event venue?

Will disabled patrons be able to access toilets, food and bar areas, and entertainment sites without difficulty? **YES / NO**

Noise

What provisions will be made to minimize the level of noise at and around the event?

Management of Alcohol

Are there any special conditions of the licensing permit? YES / NO

If YES, what are they?

What types of alcohol (for example beer, wine, and liquor) and other drinks will be available at the event?

What provisions will be made for trash collection?

Medical

What level of medical service is considered necessary, who will provide it, and for what duration?

Animals

If the event involves animals, what arrangements will be necessary for their management, care, and well-being?

Briefing/Debriefing (if necessary)

A final briefing of participants is planned for _____ weeks prior to the event.

A debriefing will be conducted with all participants within _____ days after the event.

City of Fredericksburg

Special Event Permit Application



A complete application is due at least 45 days before the start of the event.

Event Name: _____

Event Location/Address: _____

Event Start Date: _____ Event End Date: _____

Daily Event Time: Date: _____ Start: _____ End: _____

 Date: _____ Start: _____ End: _____

 Date: _____ Start: _____ End: _____

Approximate Number of Persons Attending Event Per Day: _____

Name of Applicant: _____

Address: _____

City, State, Zip: _____ Phone: _____

If the event is to be held by or for any person/organization other than the applicant, the applicant shall attach a written statement from that other person/organization showing authority to make this application.

Organization Hosting Event

Organization Name: _____

Address: _____ Phone: _____

Event Chairperson /Contact

Name: _____

Address: _____

Daytime Phone: _____ Fax number: _____

Email: _____

Property Owner Information

If any portion of the event will be held on private property (including parking), please provide the following:

Name: _____ Phone: _____

Address: _____

City, State, Zip: _____

Applicant shall submit copy of a letter from property owner giving written permission for event use.

Event Information

1. Please circle all that apply as part of this Special Event and each must be included on the site plan:

Closing a Street	Loudspeakers	Inflatable / Bounce houses
Tents or Canopies	Fencing	Sale of Merchandise
Portable Toilets	Generators	Cooking
Stage or Music	Amusement Rides	Blocking of Streets or property

For Generators: Quantity and sizes: _____

For Fencing: Location(s) and / or the positioning must be indicated on the event site plan.

For Tents(s): How many _____ Dimensions/Size _____

Will the tent(s) have sides? **Yes / No** If yes, how many sides will be closed? _____

The size(s) and location(s) of booths, trailers, tents, canopies or other membrane structures must be indicated on the event site plan.

2. Will food and / or beverages be available or served? **YES / NO**

If yes, a Temporary Health Permit must be obtained from the City Health Division at 830-990-7521 in conjunction with this Special Event Permit. *Please attach a list of vendors: name, address, and contact number. Each vendor must be in current compliance with the City Health regulations and have a current Fire Inspection from the City of Fredericksburg Fire Marshal.*

Will chafing fuel or a fryer be utilized? **Yes / No**

Will alcohol be sold or allowed (BYOB) at this event? **Sold / Allowed / No**

If Sold, provide a copy of TABC Permit. For alcohol approval, Liquor Liability insurance must be provided.

3. If this application is for a Run / Walk or Parade, please include:

- A. To assist in traffic safety planning, what time will the first participant leave the start line? _____
- B. Onsite preparation and set-up begins at _____
- C. Onsite registration begins at _____
- D. Assembly location (street location) _____
- E. Name of Company providing registration/marketing /run timing _____
- F. Name of rental company setting out barricades, event day contact name and phone number or will you use the City of Fredericksburg _____
- G. Run / Parade Route, including starting point and disbanding area (**Attach map**)

H. Estimated number of participants / people in the run / parade _____

I. Number of vehicles / floats _____

J. Amount of space between parade units (ft.) _____

K. Other types of participants (example: bands, color guards, animals, etc.) _____

4. If the event will impact surrounding property owners, notice must be sent to abutting property owners at least 2 weeks before the event date. **Applicant shall submit a copy of notification letter and a list of addresses notified.** A sample notification letter is available at the Special Events Overview page. Date notice provided to abutting property owners: _____

5. Will signs / banners be utilized for the event? **Yes / No**

If yes, please submit a list of signage sizes and locations. Signage must be indicated on the event site plan and adhere to the City of Fredericksburg sign ordinance. Sign Permits for Special Events can be obtained from the City Code Enforcement Officer at 830-997-7521.

6. Will amusement rides/bounce house(s) be used in conjunction with the event? **YES / NO**

If yes, the location(s) must be indicated on the event site plan. Proof of Insurance must be provided no later than 10 business days before event for permit approval. **Rides and/or attractions associated at special events shall conform with the statutory rules and regulations set forth in Chapter 21. Article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended. **Certificates of Inspection** and copies of inspection reports will be required.

7. Will animals (other than service animals and pets on a leash) be used in conjunction with the event? **Yes / No** **If yes,** how many? _____

8. Explain how sanitation will be handled by the event. How will this event dispose of trash? If a service is contracted, please provide the name of the service company.

9. What Date will the clean-up of the property be complete? _____

10. When the presence of City staff is necessary or requested for special events, please list the information received from each department including notes, and requirements.

Emergency Services: _____

EMS: _____

Fire: _____

Health: _____

Police: _____

Parks and Recreation: _____

Public Works: _____

Prior to permit approval, submittal of the following items are required:

- 1) Written authorization granting Applicant permission to submit this permit application on behalf of event host
- 2) Written permission from property owner for use of private property
- 3) Detailed Event Site Plan with all applicable items noted in this application
- 4) **Certificate of Insurance** for event coverage with the City of Fredericksburg listed as a **Certificate Holder** and **Additional Insured**
- 5) Copy of notification letter and a list of addresses notified

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

Signature of Applicant

Date

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

Signature of Applicant

Date

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

Signature of City Manager
(Or Designated Representative)

Date

City of Fredericksburg

Special Events

Procedures

If a citizen or promoter is coordinating an event or a gathering of people in the City limits, permits may be required. In order to plan for additional demands on public resources and ensure that public health and safety is protected, it is necessary that the City receive advance notice of these events.



A Special Event permit is a written authorization from the City to hold an event. This permit is necessary when an event involves one or more of the following activities:

- o Closing or partial closure of a public street
- o Blocking city owned property
- o Sale of merchandise or food/beverages on public property
- o Erecting a tent larger than 200 square feet on public property
- o Placement of a stage , trailer or other portable buildings on public property
- o Placement of portable toilets, temporary no-parking signs or pedestrian boundary markers on public property
- o Events involving more than 300 people at any one time on public property

Examples

Examples of special events requiring permits include, but are not limited to, parades, bike races, marathons/runs/walks, fireworks displays, concerts, festivals, carnivals, car shows, swap meets and other types of festivals that use public property or rights of way.

Examples of events that **DO NOT** require special events permits include private parties or weddings of less than 300 people, fund raisers, and other events held on private property, and funerals and funeral processions.

Other ordinances, such as regulations for noise, debris, parking and others, must be observed, but a written permit for permission to hold the event is not necessary for these types of activities.

Process

The process starts with a reservation for use of City facilities, streets, etc. and should be accompanied by a **Promoter/Sponsor Checklist**. Reservations can be made with the Director of Parks and Recreation at (830) 997-7521 or stop by City Hall. **Promoter/Sponsor Checklist** can be obtained on line or by contacting the Special Events Administrator at (830) 997-7521 or picked up at City Hall. The applicant is responsible for ensuring that all appropriate reservations have been made for City facilities.

A City of Fredericksburg **Promoter/Sponsor Checklist** may be filed up to 365 days, before the commencement of the proposed Special Event. This helps staff begin planning for the event and sharing information with the applicant. A deposit may be required when making a reservation for certain City facilities, however, no fees are assessed for checklist submittal.

The **Special Event Permit Application** must be completed at least 45 days before the event in order to assure time for city processing. This application secures the dates and times of the event as well inclusion on the special event calendar.

Coordination and Review

The application and preliminary information will be filed with the Special Events Administrator. The Special Events Administrator will distribute the information to the affected departments, including but not limited to:

- o Emergency Services (serves as the Chair of the Special Event Coordination Team)
- o Police
- o Health and Food Service
- o Parks and Recreation
- o Public Works



Administrative Regulations

The following regulations and requirements are available on line or are available through the Special Events Administrator.

- **City Parks and Property Rules**
- **Fire and Safety Rules for Tents and Canopies**
- Health and Food Service Regulations
 - <http://www.fbgtx.org/index.aspx?nid=146>
- **Insurance Requirements**
- **Temporary Sign Rules**

The Chair of the Special Event Coordination Team may call a meeting of the representatives, if group review is needed. This may include the applicant if needed for questions. The Chair of the Team will ensure the communication with the applicant from the Team is positive and welcoming, as well as accurate and informative.

The Special Events Administrator will submit the completed application and associated information, as well as the comments from all affected staff members to the City Manager for approval as soon as all information has been completed.

Calendar

The Special Events Administrator will keep a calendar of upcoming special events to ensure applicants who have a permit, have their event recognized.

City of Fredericksburg

Special Events

INSURANCE REQUIREMENTS

Promoters or Contractors conducting special events on City property or public right-of-way of the City of Fredericksburg shall provide the City a certificate of insurance evidencing the coverage and coverage provisions identified herein. Contractors shall provide the City evidence that all subcontractors performing work on the project have the same types and amounts of coverage as required herein or that the subcontractors are included under the contractor's policy. The City, at its own discretion, may require a certified copy of the policy.

All insurance companies and coverage must be authorized by the Texas Department of Insurance to transact business in the State of Texas and must be acceptable to the City of Fredericksburg.

Listed below are the types and amounts of insurance required. The City reserves the right to amend or require additional types and amounts of coverage or provisions depending on the nature of the event.

Type of Insurance	Minimum Amount of Insurance	Provisions
Commercial General (Public) Liability to include coverage for: ○ Premises/Operations ○ Products/Completed Operations ○ Independent Contractors ○ Personal Injury ○ Contractual Liability ○ Liquor Liability	\$1,000,000 per occurrence, \$2,000,000 general aggregate; Or \$2,000,000 Products/Completed Operations Aggregate	City to be listed as additional insured and provided 30-day notice of cancellation or material change in coverage. City to be provided a waiver of subrogation. Coverage shall be provided by an insurer possessing an A-VII. A. M. Best Rating.
Business Auto Liability	\$1,000,000 each accident	Same as above.
Workers Compensation & Employers' Liability	\$1,000,000 each accident for bodily injury; or \$1,000,000 each employee	City to be provided a waiver of subrogation.

Questions regarding this insurance should be directed to the Special Events Administrator at 830-997-7521 or specialevents@fbgtx.org.

City of Fredericksburg Special Events

Fire and Food Safety Rules for Tents and Canopies

Fire Safety

Location: All tents, canopies, or other membrane structures cannot be within 20 feet of lot lines, buildings, other tents, parked vehicles, or internal combustion engines. Guy lines included. (Fire Code 2403.8.2)

Exits: Exit requirements for tents:

- A. Any openings must remain open unless covered by flame resistant curtain. Curtains shall be of a color, or colors, that contrast with the tent.
 - B. Opening curtains must be free sliding on metal support
 - C. Exit supports on openings must be 80 in. above floor level
 - D. When opened no part may obstruct exits
 - E. All tents and Canopies must have at least one exit. Occupant loads of 10 to 199 must have at least 2 means of egress (exits) with a width of 72 in. each
 - F. 200 to 499 must have at least 3 means of egress with a width of 72 in.
 - G. 500 to 999 must have at least 4 means of egress with a width of 96 in.
- (Fire Code 2. 2403.12.3)

Exit Signs: Exits shall be clearly marked when occupant load is 50 or more (Fire Code 2403.12.6)

Labels: All tents as defined by the fire code and being used for a structure, shelter or fully enclosed shall have a Flame Retardant Certificate indicating the size of the tent, type of fabric, and the chemical used to treat a fire. This DOES NOT apply to canopies. (Fire Code 2404.3)

Fire Department Access: Fire Department Access Roads will be made available at all times during the event so emergency apparatus can have access to all structures. (Fire Code 2403.8.1)

SMOKING:

- A. NO SMOKING in tents or canopies
 - B. No smoking signs shall be conspicuously posted
- (Fire Code 2404.6)

Exposed Flame:

Open flame or other devices emitting flame, fire, heat or any flammable or combustible liquids, gas, charcoal or other cooking devices shall not be permitted inside or within 20 feet of the tent unless approved by the Fire Marshal. (Fire Code 2404.7)

Portable Fire Extinguishers: Portable fire extinguishers shall be provided as required within 75 feet of travel distance. Fire Extinguishers need to be secured or mounted for ease of access. (Fire Code 2404.12)

Protective mats or other approved means shall be placed over electrical cables on walkways.

Generators: Generators shall be at least 20 feet from any structure or canopy and not accessible to the public. (Fire Code 2404.19)

Combustible Materials: Flammable or Combustible materials/liquids shall be at least 50 feet from all tents, canopies and structures. (Fire Code 2404.17.2)

Food Safety

Permits: All food vendors shall have a Temporary Health Permit and have a passing inspection by the Gillespie County Health Division prior to the start of the event.

Cooking Tents:

- A. Must be a separate tent from the public
- B. Must be at least 20 feet away from other tents and structures
- C. Restrictions do not apply to warming devices with no open flame or heat

(Fire Code 2404.15.3)

Cooking:

- A. Cooking and Heating shall NOT be located within 10 feet of an exit or combustible materials. (Fire Code 2404.15.3)
- B. All cooking tents, canopies, and trailers must have an approved 2A:10BC fire extinguisher (Fire Code 904.11.5)
- C. If vegetable or animal fat is present, a Class K extinguisher is required (Fire Code 904.11.5)

LP Gas:

- A. No storage of LP gas containers is allowed in any tent or canopy
- B. Safety release valves shall be pointed away from tents
- C. 500 gallons or less, the tanks have to be at least 10 feet away from tent
- D. Tanks shall be secured in the upright position and protected from vehicular and pedestrian traffic

Cooking in Trailers:

- a. Cooking done inside a trailer shall be required to have a Type I hood system that is UL300 or UL300A rated if using deep fat frying (Fire Code 610, 904.2.1 and 904.11)
- b. Hood systems should be inspected every 6 months (Fire Code 904.11.6.4)
- c. All gas, solid, or liquid fuel burning inside a trailer must be vented to the outside with an approved venting system and spark arrestor (Fire Code 2404.15.2)

City of Fredericksburg Special Events

City Parks and Property Rules

The City of Fredericksburg is excited to offer our City Parks for your enjoyment. There is something for everyone as we have numerous pavilions, amenities, playgrounds, pools, sports facilities, recreational activities, a nature hiking trail, and much more.

Park Hours:

1. Lady Bird Johnson Municipal Park hours are from 8:00 am until 10:00 pm daily. All persons must be out of the park by 10:00 pm as the gates will be locked at that time. Any vehicle in the park after 10:00 pm will remain in the park until the next morning at 8:00 am unless prior arrangements are made with the Park Manager.
2. Facilities with seasonal venues will have their operating hours posted at <http://www.fbgtx.org/index.aspx?NID=164>
3. Hours for Marketplatz will be determined through a rental agreement.

Rental Fees: Rental rates for all pavilions, facilities and venues are listed at <http://www.fbgtx.org/index.aspx?nid=340>

Park Administrative Rules:

1. The renting party is responsible for leaving pavilions, facilities and venues in a clean condition. All litter must be picked up and put in trash receptacles.
2. Any damages to the pavilions, facilities and venues (inside and out) will be the responsibility of the renter.
3. If the event is open to the public and there are food vendors, they must be permitted and inspected through the Gillespie County Health Division. A copy of the Temporary Health Permit must be filed in the Park Office. For information on Temporary Health Permits please call the Health Division at 830-997-7521.
4. Licensed private security will be provided at the renter's expense for any event lasting past 10:00 pm or any event serving alcohol. The security guards must be licensed, bonded and commissioned. The number of guards necessary and the hours the guards will be on duty will be determined by the park manager and the security company.
5. All State laws regarding alcohol must be followed. If alcohol is sold, copies of the TABC permit and the \$1,000,000 per occurrence Liquor Liability Insurance Policy,

- with the City of Fredericksburg listed as an additional insured on the policy, must be provided to the park manager prior to the event.
6. Vehicle access to Marketplatz must have prior approval by the Director of Parks and Recreation.
 7. All animals must be on a leash. Removal of animal waste is required.
 8. Pets cannot be left unattended and are not allowed inside park rental facilities.
 9. Parking only in designated areas.
 10. Operate motor vehicles only on roads and parking lots.
 11. If signs or banners will be utilized for the event their location must be indicated on the event site plan and adhere to the City of Fredericksburg sign ordinance located at <http://library.municode.com/index.aspx?clientId=14893>
 12. Special Events must have a completed City of Fredericksburg **Promoter Sponsor Checklist** and **Special Event Permit Application** completed and approved 45 days prior to the event.

Prohibited Practices:

1. No tape, staples, glitter, confetti, piñatas, or rice are to be used in pavilions, facilities, or venues.
2. No open fires are allowed in any parks or City property.
3. No event on Marketplatz shall be for private monetary gain. Only Gillespie County non-profit organizations can rent for an event and charge an admission fee.
4. No vandalizing or defacing any structures, facilities, or nature features.
5. No hunting or releasing of any animal in any park or City Property.
6. No indecent or abusive language, or any activity, which creates a public nuisance.
7. No removing, damaging or otherwise disturbing plants, grass, trees or any part of the environment.

City of Fredericksburg Special Events

Temporary Sign Rules

Sign Definition:

1. Sign, any letters, figures, symbols, trademarks, or devices designed to inform people or attract the attention of persons or to an individual, firm, profession, business, commodity or service and which is recognizable from any public right-of-way
2. Temporary Sign, a sign to be hung made from paper, plastic, fabric of any kind, wood, or metal which may possess colors, characters, letters, illustrations, or ornamentalations
 - a. A permit is required for a Banner or temporary sign
 - b. A permit shall be issued for a 20 day period
 - c. The number of permits shall be limited to six per calendar year per property
 - d. Each permit may be linked together for a consecutive period (i.e., 20, 40, 60, 80, 100, 120 days).
 - e. Each 20 day period, even if linked together, shall carry a separate permit fee of five (5) dollars per 20 day period
3. Prohibited Signs, please refer to City of Fredericksburg Ordinance No. 18 – 009 located at <http://library.municode.com/index.aspx?clientId=14893> for a complete list of prohibited signs

Permit Required:

1. No person shall erect, construct, alter, repair, or relocate a sign without first obtaining a permit from the City of Fredericksburg Building Department.
2. Each Application for a sign permit shall be accompanied by such drawings, descriptions, and specifications as are determined by the City of Fredericksburg Building Department
3. After a sign permit has been issued by the Building Department, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said sign permit without the approval of the Building Department
4. Temporary Sign Permit Applications are available at the Development Department where your permit fee may also be paid.

Location:

1. No signs shall be placed in Texas Department of Transportation rights of ways
2. Signs placed on private property must have written permission from the property owner
3. Signs must be placed at least three (3) feet from the edge of the pavement or curb
4. Signs may not be attached to or located upon amenities such as benches, trash containers, or fences

Size and Height Restrictions:

1. Signs in public rights of way and signs placed on private property must meet design regulations relating to size and height of the particular zoning district of the property in accordance with City of Fredericksburg Ordinance No. 18 – 009
2. Signs associated with Lady Bird Johnson Municipal Park will be permitted in accordance with Commercial (C2) zoning standards
3. Signs associated with Fort Martin Scott will be permitted in accordance with Industrial (TM-1, M-2 and M-3) zoning standards
4. Signs associated with Marketplatz will be permitted in accordance with Central Business District (CBD) zoning standards
5. For a complete list of sign zoning standards, please refer to City of Fredericksburg Ordinance No. 18 – 009 located at <http://library.municode.com/index.aspx?clientId=14893>

Other Restrictions:

1. Signs should not be placed in a manner that interferes with vision, or otherwise affects public health, safety and welfare
2. No lighting, balloons, streamers or other devices or materials may be attached to the sign
3. Signs may not be placed on any roadway appurtenances, including but not limited to bridges, traffic control devices, official signs, sign supports, light standards, poles and delineators
4. Sponsorship of the event may be indicated on the signs, but must be secondary to the promotion of the event.

*Kick off Spring Break with the
Bluebonnet Festival
Friday, March 10th, 6:00 pm
Parade followed by
Music with Rocky and Bullwinkle
Marketplatz*

Dear Downtown Merchant,

The 2014 Fredericksburg Bluebonnet Festival will be held Friday through Sunday, March 10 -12, on Marketplatz. Just a reminder, all participating merchants must have their vendor fee paid and have been approved by the festival committee to avoid duplications. No additional booths will be permitted on downtown sidewalks during this festival weekend. Thank you for your cooperation as we want the best for our downtown merchants and our paid vendors.

The following streets will close at 7:00 a.m. Friday, March 10 –11:00 pm Saturday, March 11

- Austin Street between Adams and Crockett Streets
- Adams Street between Main and Austin Streets

The following streets will close at 11:00 pm Saturday, March 11 – 6:00 pm Sunday, March 12

- Adams Street between Main and Austin Streets

Please see the enclosed map for the parade route and parade street closure information. Parade street closures will be from 5:30 pm Friday, March 10 through approximately 7:30 pm Friday, March 10.

Street Barricades will be placed along Austin and San Antonio streets for all streets running North and South across Main Street from 2:00pm Friday, March 10 until 7:30 Friday March 10.

For additional information please visit our website www.fredericksburgbluebonnetfestival.net If you have questions please contact me at 830-999-BLUE (830-999-2583). Thank you for your continued support of the Fredericksburg Bluebonnet Festival!

Sincerely,

Crystal

Crystal Pistol
2014 Bluebonnet Festival Coordinator

*Kick off Spring Break with the
Bluebonnet Festival
Friday, March 10th, 6:00 pm
Parade followed by
Music with Rocky and Bullwinkle
Marketplatz*

Howdy Neighbor,

The 2014 Fredericksburg Bluebonnet Festival will be held Friday, March 10th through Sunday March 12th on Marketplatz. As usual the Bluebonnet Festival will start off with a parade at 6:00 pm on Friday March 10th. Please join us for this Fredericksburg and Hill Country tradition. The Fredericksburg Bluebonnet Festival is a time to enjoy family, friends, food, and music on Marketplatz throughout the weekend. We'll be in your neighborhood, so come join us for the fun.

The following streets will close at 7:00 a.m. Friday, March 10 –11:00 pm Saturday, March 11

- Austin Street between Adams and Crockett Streets
- Adams Street between Main and Austin Streets

The following streets will close at 11:00 pm Saturday, March 11 – 6:00 pm Sunday, March 12

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Please see the enclosed map for the parade route and parade street closure information. Parade street closures will be from 5:30 pm Friday, March 10 through approximately 7:30 pm Friday, March 10.

Street Barricades will be placed along Austin and San Antonio streets for all streets running North and South across Main Street from 2:00pm Friday, March 10 until 7:30 Friday March 10.

For additional information please visit our website www.fredericksburgbluebonnetfestival.net If you have questions please contact me at 830-999-BLUE (830-999-2583). Thank you for your continued support of the Fredericksburg Bluebonnet Festival!

Sincerely,

Crystal

Crystal Pistol
2014 Bluebonnet Festival Coordinator



CITY COUNCIL MEMO

DATE: March 17, 2014

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., Director of Public Works and Utilities

SUBJECT: Consider Watering Restrictions

Summary:

This item is for the first reading and introduction of an ordinance amending the Water Conservation Measures Ordinance, being Chapter 47 – Utilities, Article II of the Code of Ordinances of the City of Fredericksburg.

Recommendation:

City Staff recommends introduction of the ordinance and proceeding to a second reading and adoption of the ordinance with any changes recommended by the City Council.

Background / Analysis:

Amendments to the City's current Water Conservation Measures Ordinance are consistent with the input and direction given to Staff by the City Council during the initial discussion of proposed changes

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The City of Fredericksburg

during their regular meeting on December 2, 2013 and again during the City Council Retreat on February 21, 2014. Areas of the ordinance where substantive changes are being proposed include:

1. Trigger Conditions - Local drought conditions that trigger initiation or termination of drought stages
2. Watering Days - The day(s) of the week(s) that customers are allowed to water
3. Watering Times - The times during a prescribed watering day that customers are allowed to water

The overall objectives of the proposed amended ordinance are:

1. To develop an objective method for moving between drought stages. A change in the trigger conditions for each drought stage (1-5) from the current and very subjective method which is based on the loss of capacity to deliver water to the City's distribution system to a very objective method based on local drought sensitive parameters including daily average water levels from two City of Fredericksburg water supply wells, average daily flow of the Pedernales River measured locally, prior 10-month cumulative rainfall amount and the Palmer Drought Index for the Edwards Plateau to calculate a true "Local Drought Index".
2. To create a schedule of watering days and times for stages 2, 3, and 4 which are easy for the City's water customers to understand, that lend themselves to simplifying the programming of automatic sprinkler systems and that are more easily enforced by the City's Code Enforcement personnel.
3. To allow more flexibility in overall restrictions by allowing drip irrigation and hand held watering on any day between the hours of 5 to 9 am and 7 to 11 pm.
4. To conserve water during the "Critical Water Shortage" Drought Stage 4 by restricting watering days to once per week and watering times to evenings only from 7 to 11pm (4 hours total).
5. To clarify the language in our current ordinance which is inconsistent and difficult to understand.

Sec. 47-41 - Declaration of policy, purpose, and intent.

Sec. 47-42 - Authorization

Sec. 47-43 - Application.

Sec. 47-44 - Definitions.

Sec. 47-45 - Permanent requirements.

Sec. 47-46 - Restrictions and exemptions

Sec. 47-47 - Triggering criteria for initiation and termination of drought response stages.

Sec. 47-48 - Stage 1 - mild water shortage.

Sec. 47-49 - Stage 2 - moderate water shortage.

Sec. 47-50 - Stage 3 - severe water shortage.

Sec. 47-51 - Stage 4 - critical water shortage.

Sec. 47-52 - Stage 5 - emergency water shortage.

Sec. 47-53 - Variances.

Sec. 47-54 - Enforcement.

Sec. 47-41 - Declaration of policy, purpose, and intent

(a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for Domestic Water Use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Fredericksburg hereby adopts the regulations and restrictions of this article on the delivery and consumption of water.

(b) Water uses regulated or prohibited under this Chapter are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 47-54 of this Article.

Sec. 47- 42 - Authorization

The City Manager of the City of Fredericksburg, is hereby authorized to implement by proclamation, or terminate, any phase of this Drought Contingency Plan (DCP). The decision to implement or terminate any phase of the DCP by the City Manager, may be overturned by a majority vote of the City Council of the City of Fredericksburg at any regular or special meeting of the City Council.

Sec. 47- 43 - Application

The provisions of this Article shall apply to all utility customers of the City of Fredericksburg (including water and/or sewer utility customers outside of the City Limits of the City), owners and occupants of property within the City limits of the City of Fredericksburg and any person or entity utilizing water in City of Fredericksburg including those persons or entities owning, having or using water wells within the City Limits not connected to the city Utility system.

Sec. 47- 44 - Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Aesthetic Water Use - Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Average Daily Water Demand - The average use of water in a single day expressed in gallons per day calculated by dividing the total volume of water in gallons delivered to the City's water distribution system over a one year period by 365 days.

Buckets - Containers of not more than five (5) gallon capacity.

City Manager - Means City Manager of the City of Fredericksburg, and includes his or her designee.

Commercial and Institutional Water Use - Water use which is integral to the operations of commercial or manufacturing establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation - Those practices, techniques, and technologies that reduce the consumption of water so that a supply is conserved and made available for future use.

Customer - Any person, company, or organization using water supplied by the City of Fredericksburg.

Domestic Water Use - Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, washing clothes, or for cleaning the interior of a residence, business, industry, or institution.

Drip Irrigation - means a low volume irrigation system that applies water in gallons per hour and saves water by applying water at low-flow levels directly to the soil and the plant's root zone. Such systems include but are not limited to soaker hoses or drip tape hoses which do not exceed ½" in diameter.

Hand-Held - means used or operated while being held in the hand or hands.

Hose - means a common residential garden hose not more than one (1") inch in diameter which includes a positive cut-off nozzle.

Impervious Surface - means patios, pathways and other areas where firm footing is desired, constructed in such a way that does not allow water to penetrate the ground. Examples include, but are not limited to, concrete slabs patios, sidewalks, and driveways, asphalt streets or pavers set with mortar.

Irrigation System - means any water delivery system which delivers water to grass, trees, plants, or any other landscape, whether on a set schedule or not.

Landscape Irrigation Use - Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, trees, shrubs, golf courses, parks, and rights-of-way and medians.

Low-Flow - Emission device flow rates that are typically measured in gallons per hour (GPH).

Maximum Daily Water Demand - The largest volume of water in gallons delivered to the City's water distribution system in a single day in the preceding 365 days expressed in gallons per day.

Non-Essential Water Use - Water uses that are not essential or required for the protection of public health, safety, and welfare, including:

- (1) Irrigation of landscaped areas, including parks, athletic fields, common areas and golf courses except with the use of reclaimed or effluent water by separate contract with the City of Fredericksburg.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle in Stages 1 through 4;

- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill or add to any indoor or outdoor swimming pools or jacuzzi type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life without a variance;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than fire- fighting and flushing of lines to maintain a potable water supply.

Outdoor Irrigation - means supplying water to outdoor areas by any means. Outdoor irrigation may be accomplished only with water from the service/meter on the lot or parcel being irrigated. Wells shall be used to supply water only to the lot or parcel on which they exist.

Person - means any individual, corporation (including a governmental corporation organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body), business, trust, partnership, association, firm, company, joint venture, commission or any other entity.

Rain Sensor - means a device designed to stop the flow of water to an Irrigation System when rainfall or moisture has been detected. Devices referred to as soil moisture sensor, relative humidity sensor or rain sensor shall qualify as a Rain Sensor for the purposes of this Article.

Waste of Water - means failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes or a leaking faucet. It also includes the following:

- (1) Operating a permanently installed irrigation system with:
 - (a) a broken head,
 - (b) a head that is out of adjustment where the arc of the spray head is over a street, parking area, or other impervious surface or
 - (c) a head that is misting due to high water pressure,
- (2) During irrigation:
 - (a) allowing water to run off a property such that there is a trail of water running in a street, parking area, or other impervious surface for a distance of 50 feet or greater or
 - (b) allowing water to pond to a depth greater than $\frac{1}{4}$ of an inch in a street, parking area, or other impervious surface

Watering Devices - Wherever in this ordinance reference is made to outdoor irrigation, it shall mean any device used for the conveyance of water for the purpose of watering and shall include in any such definition, without limitation, irrigation systems, soaker hoses, drip irrigation or any hose that is hand-held, hand-used whether the same has a nozzle, sprayer, sprinkler device or none. All such devices shall be used only during the days and hours authorized by this Article.

Well Owners - Any person, company or organization using water supplied by a water well located within the city limits of the City of Fredericksburg. Any reference to "Customer" in this division shall also refer to and be applicable to well owners, except where the requirement or prohibition cannot be applicable to well users. All water use restrictions set out in this division shall apply to those using water supplied by a well located within the City of Fredericksburg.

Sec. 47-45 - Permanent Requirements and Exemptions

(a) The regulations of this Chapter shall apply to all utility customers of the City of Fredericksburg (including water and/or sewer utility customers outside of the City Limits of the City), owners and occupants of property within the City limits of the City of Fredericksburg and any person or entity utilizing water in City of Fredericksburg including those persons or entities owning, having or using water wells within the City Limits not connected to the city Utility system.

(b) The restrictions set forth in this Chapter shall not apply to the following uses of water:

- (1) To alleviate conditions threatening health, safety or welfare of the public;

- (2) For municipal operations of flushing water lines and fire lines for public health purposes;
 - (3) For the suppression of fires; and
 - (4) For watering grass or plants using effluent or reclaimed water under a contract or purchase from the City.
- (c) Except as may be modified in a particular Drought Response Stage, Outdoor Irrigation, including Drip Irrigation, hand held watering and watering with buckets is prohibited at any time except between the hours of 5 am to 9 am and 7 to 11 pm on any day. This prohibition below shall be effective during the calendar months of June, July, August and September of each calendar year regardless of whether any other requirements of drought response stages are in force.
- (d) All Irrigation Systems shall have a Rain Sensor as part of the system, and the same shall be maintained and operational at all times. This section shall apply to all Irrigation Systems completed after June 21, 2004.
- (e) Wasting water is prohibited at all times.
- (f) Except as may be modified in a particular Drought Response Stage, all Aesthetic Water Use is permissible at any stage of drought except that outdoor commercial fountains must have a variance in order to operate during drought stages 4 and 5.

Sec. 47-46 – Other restrictions Effective upon Declaration

The restrictions upon water usage provided in Sections 47-48 through 47-52 shall become effective upon declaration by the City Manager of the Drought Response Stage being activated and shall be effective from and after the date provided for in such declaration by the City Manager. Such restrictions shall continue in force until repeal of same by subsequent declaration of the City Manager. Any declaration by the City Manager shall be conclusive of a determination of the existence of a danger to the City's water system. The City Manager's declaration and the measures implemented shall be in accordance with the provisions of this Chapter.

Sec. 47-47 - Triggering criteria for initiation and termination of drought response stages

(a) The City Manager shall monitor water supply and/or demand conditions shall determine when conditions warrant initiation or termination of each Drought Response Stage, and shall issue a proclamation initiating the appropriate stage. Public notification of the initiation or termination of Drought Response Stages shall be posted on the City's Website which shall serve as the official notification, and other public notification may be by means of direct mail, radio ads, publication in a newspaper of general circulation, direct mail to each customer, signs posted in public places, etc. All Drought Response Stage requirements are in addition to those set forth in Section 47- 45 above.

(b) There are five Drought Response Stages for the City of Fredericksburg:

- Stage 1 - Mild Water Shortage
- Stage 2 - Moderate Water Shortage
- Stage 3 - Severe Water Shortage
- Stage 4 - Critical Water Shortage
- Stage 5 - Emergency Water Shortage

Each stage will be triggered and terminated based upon the City Manager's evaluation of the severity of three criteria: 1) on the Local Drought Index, 2) on high service pumping capacity for pumps that transfer water from the City's well fields or other sources to its distribution system and 3) on the decrease in well field production capacity.

Various stages are triggered based on the stage of the Local Drought Index, the percentage of time the well fields are being pumped to provide water supply and the loss of pumping capacity from the high service pump stations. The Local Drought Index is comprised of four data points: 1) the average water levels from the two City wells where heaviest pumpage occurs for municipal and irrigation demands, 2) average daily flow from the Pedernales River measured from a consistent designated gauging station, 3) the prior ten (10) month cumulative rainfall amounts recorded by the City at Lady Bird Johnson Park, and 4) the Palmer Drought Severity Index for the Edwards Plateau. The Index values, and generally corresponding, Drought Response Stages are:

Local Drought Index

-1
-2

Drought Stage

Stage 1 – Mild
Stage 2 – Moderate

-3	Stage 3 – Severe
-4	Stage 4 – Critical
-5	Stage 5 – Emergency

A detailed description of the requirements of each Drought Response Stage is below.

Sec. 47-48 - Stage 1 – Mild Water Shortage

- (a) **When required:** The requirements of Stage 1 are automatically effective without City Manager Proclamation between June 1 and September 30 of each year, and are voluntary the remainder of the year unless specifically proclaimed by the City Manager.
- (b) **Goal:** Five (5%) percent reduction in Average Daily Water Demand or ten (10%) reduction in the Maximum Daily Water Demand.
- (c) **Requirements:** Outdoor Irrigation may occur only between the hours of 5:00 am to 9:00 am and 7:00 pm to 11:00pm. The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all Non-essential water use.

Sec. 47-49 - Stage 2 - Moderate Water Shortage

- (a) **When required:** When the City Manager determines that Stage 1 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.
- (b) **Goal:** Ten (10%) percent reduction in the Average Daily Water Demand or twenty (20%) percent reduction in the Maximum Daily Water Demand.
- (c) **Requirements:**
 - (1) All requirements of Stage 1 shall remain in effect during Stage 2 except as set forth in this Section.
 - (2) Outdoor Irrigation may occur only between the hours of 5:00 am to 9:00 am and 7:00 pm to 11:00 pm on the schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday and Saturday
- b. 3 or 4 the irrigation day is Tuesday and Saturday
- c. 5 or 6 the irrigation day is Wednesday and Sunday
- d. 7 or 8 the irrigation day is Thursday and Sunday
- e. 9 or 0 the irrigation day is Friday and Sunday

The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all Non-essential water use.

(3) Washing impervious cover such as parking areas, driveways, streets, sidewalks, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards is prohibited.

(4) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except such washing may occur on residentially zoned properties once per week on Saturday or Sunday as long as there is no water waste, and further except the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station. Furthermore, this restriction does not apply to the washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety and welfare of the public. Charity carwashes are prohibited.

The washing, when allowed, must be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The washing of each individual automobile, truck, trailer, boat, airplane or any other type of mobile equipment in violation of the terms and conditions of this restriction constitutes a separate violation under this article.

Sec. 47-50 - Stage 3 - Severe Water Shortage

(a) ***When required:*** When the City manager determines that Stage 2 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) **Goal:** Fifteen (15%) percent reduction in the Average Daily Water Demand or twenty-five (25%) percent reduction in the Maximum Daily Water Demand.

(c) **Requirements:**

(1) All requirements of previous stages shall remain in effect during Stage 3 except as set forth in this Section.

(2) Outdoor Irrigation may occur only between the hours of 5:00 am to 9:00am and 7:00 pm to 11:00 pm on the following schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday
- b. 3 or 4 the irrigation day is Tuesday
- c. 5 or 6 the irrigation day is Wednesday
- d. 7 or 8 the irrigation day is Thursday
- e. 9 or 0 the irrigation day is Friday

The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.

(3) The watering of the ground around foundations to prevent foundation cracking is permitted only during times designated for Outdoor Irrigation except when watering to protect foundations is accomplished by a drip irrigation system or a hand-held hose. A drip irrigation system or hand-held hose may be used to water the ground around foundations to prevent foundation cracking at any time.

(4) Hotels, motels and other lodging must institute, offer and clearly notify guests of a "linen/towel change on request only" program.

Sec. 47-51 - Stage 4 - Critical Water Shortage

(a) **When required:** When the City manager determines that Stage 3 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) **Goal:** Twenty (20%) percent reduction in the Average Daily Water Demand or forty (40%) percent reduction in the Maximum Daily Water Demand.

(c) **Requirements:**

(1) All requirements of stage 3 shall remain in effect during stage 4 except as set forth in this Section.

(2) All Outdoor Irrigation may occur only by any approved watering method between the hours of 7:00 pm to 11:00 pm on the following schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday
- b. 3 or 4 the irrigation day is Tuesday
- c. 5 or 6 the irrigation day is Wednesday
- d. 7 or 8 the irrigation day is Thursday
- e. 9 or 0 the irrigation day is Friday

The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.

3) Outdoor Irrigation by means of Drip Irrigation, watering with a Hand-held Hose or by Buckets may be prohibited, at the discretion of the City Manager if specifically included in his or her declaration.

(4) *City council may implement further water rationing*

Notwithstanding the foregoing, Fredericksburg City Council may implement a water rationing program if the above actions do not achieve the water reduction goals. The rationing program shall contain specific reduction amounts for each customer class. By way of example, but not by way of limitation, water use for each customer class could be limited as follows:

Single-family residential customers and master-metered multi-family residential customers: to one half of the customer's average usage for corresponding month's billing period for the previous 12 months. (50% reduction.)

Commercial and industrial customers: to 75 percent of the customer's average usage for corresponding month's billing period for the previous 12 months (25% reduction.)

(5) *City council may institute water surcharges*

The City Council may institute in addition or as an alternative to the limitation on water usage described above water surcharges for usage over allocated customer class amounts. Surcharges could be added to customers' bills where usage is more than allocated amounts and shall be cumulative.

(6) The filling or refilling of water in privately owned swimming, wading and jacuzzi-type pools is prohibited. Water may be added to pools to replace water lost due to use or evaporation on designated outdoor water use days.

(7) The watering of golf course tees and fairways is prohibited unless the golf course utilizes treated wastewater effluent or other water sources than provided by the City of Fredericksburg potable water system.

(8) Bulk sales of water for purposes other than potable consumption and sanitation are prohibited.

Sec. 47-52 - Stage 5 - Emergency Water Shortage

(a) ***When required:*** When the City manager determines that Stage 4 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) ***Goal:*** Thirty-five (35%) percent reduction in the Average Daily Water Demand or fifty (50%) percent reduction in the Maximum Daily Water Demand.

(c) ***Requirements:***

(1) All requirements of stage 4 shall remain in effect during stage 5 except as set forth in this Section. The City Manager shall implement one or more of the following water use restrictions:

(2) All Outdoor Irrigation, including Drip Irrigation, Hand Held watering and watering with buckets is prohibited at all times.

(3) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited at all times.

- (4) The filling, refilling or adding of potable water to private swimming, wading or Jacuzzi-type pools is prohibited.
- (5) Aesthetic water use is prohibited.
- (6) Non-essential water use is prohibited.
- (7) No applications for new, additional, expanded or increase-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.
- (8) In the event of system failure or contamination, the City Manager will manage the city of Fredericksburg limited water supply by requiring such measures as are necessary to maintain public health and safety, including elimination of service to part or all of the water system.

Sec. 47- 53 - Variances

(a) A review committee may be established annually or as needed by the City Manager. The review committee will be appointed by the City Manager to review hardship and special cases that cannot strictly comply with this Article to determine whether the cases warrant a variance.

(b) The review committee shall make its determination no later than the fifth working day after receipt of a request: A variance may be for a period of no longer than one year, subject to the provisions of (e) below, and granted only for reasons of economic hardship. In this section, economic hardship means a threat to an individual's or business' primary source of income, new construction or the like. Inconvenience or the potential for damage to an individual's or business' landscaping, including newly planted lawns may be classified as an economic hardship only under stages 1 through 3. For newly planted lawns, the committee shall use the following watering schedule for new landscape. Watering of newly seeded or sodded lawns or newly planted trees, shrubs or landscape plants will be allowed no more frequently than on the following schedule:

(A) Days 1-14 from planting: three times per day every day of such period at any time of day.

(B) Days 15-28 from planting: twice per day every day of such period at any time of day.

(c) Until the review committee has acted on an application, the applicant must comply with all provisions of this chapter.

(d) If the review committee determines that there is an economic hardship or other valid reason for a variance, the committee shall authorize the implementation of equitable water use restrictions by the applicant that further the purposes of this Article. The special water use restrictions authorized by the committee in each special or hardship case must be set forth on the face of the variance. If the variance is granted, the applicant must keep a notice of the variance in a location that is visible to the public.

(e) A variance issued by the review committee under one Stage of the restrictions becomes invalid on implementation of a subsequent stage. A variance expires under its own terms and conditions or when another stage of the restrictions is in effect. A separate application for a variance must be submitted at each stage, unless a single variance is granted with separate conditions applicable to separate stages.

(f) Any person or entity that is issued a variance must provide proof of the variance on demand by any peace officer, code enforcement officer or other person authorized by the City to enforce this article. On conviction of a recipient of a variance for violating any provision of this Article, the review committee may revoke any variance previously granted. The committee shall notify the recipient of the proposed revocation five working days before taking the action, and a recipient must be given the opportunity to be heard by the committee before it takes action.

Sec. 47- 54 - Enforcement

(a) It shall be unlawful for any person or entity to criminally negligently violate or cause or permit another person or entity to violate any restrictions or provisions of this article. Any person or entity who violates any of said restrictions or provisions shall be subject to penalties as provided in Section 1-6 of this Code of Ordinances for health and safety violations.

(b) Each day that one or more of the provisions in this Article is violated shall constitute a separate offense.

(c) If a person is convicted of three or more distinct violations of this Article, the City Manager, shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services

discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$200.00, and any other costs incurred by the City of Fredericksburg in discontinuing or reestablishing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated.

(d) Alternatively, a billing surcharge of 25 percent of the amount of the bill for the month in which violation occurred will be added to the total bill provided for the property upon which the violation occurred but shall not exceed the maximum amount of fines allowable under section (a) above. The City Manager shall provide notice of violation to the City Water utility customer upon whose premises the violation occurred to the name and address listed on the water customer list of the City. Such customer shall have ten days to present evidence contrary to the existence of a violation to the City Manager, and all determinations of the existence or nonexistence of a violation by the City Manager will be conclusive.

(e) Any person or entity who or which is convicted of violating this Article, or to whom or to which a surcharge has been charged more than two times in one calendar year shall be fined by the court or charged on the next ensuing utility bill, as applicable, not less than \$250.00 or one half of the maximum fine or surcharge (subject to the limitation stated above) for any subsequent offense, whichever is higher.

(f) Any person, including a person who is the customer for City water utility billing, in apparent control of the property where a violation occurs or originates shall be rebuttably presumed to be responsible for compliance with the provisions of this Article; Parents shall be presumed to be responsible for violations of their minor children; and proof that a violation committed by a child occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but —it is a defense to conviction if such parent proves that he/she had previously directed the child not to use the water as it was used in violation of this Article, and that the parent could not have reasonably known of the violation.

For the purposes hereof, the person, persons, or entities shown on the Tax Appraisal Rolls of the Gillespie County Central Appraisal District shall be rebuttably presumed to be the owner of the property in his, her or its name and shall be responsible for compliance with the provisions of this Article. The registered agent, according to the records of the Secretary of State of the State of Texas, or other state of incorporation, shall be responsible for compliance with

the provisions of this Article for all entities registered with the Secretary of State of the State of Texas or other state of incorporation.

(g) Compliance with this Article may also be sought through injunctive relief in the district court.

(h) Specific notice from the City to any such person or entity is not required prior to enforcement, and the giving of such notice in any particular case shall not waive this provision.

(i) Any code enforcement officer or police officer of the City of Fredericksburg may issue a citation to and or charge a person he/she reasonably believes to be in violation of this Article.



CITY COUNCIL MEMO

DATE: March 12, 2014

TO: Mayor and City Council

FROM: Kris Kneese, P.E., Assistant City Engineer

SUBJECT: WWTP Effluent Sales Contract with FISD

Summary:

The Fredericksburg Independent School District (FISD) would like to purchase reclaimed wastewater from the City. Attached is the proposed contract that would allow the City to sell the reclaimed wastewater to the FISD.

Recommendation:

City Staff recommends approving the effluent contract to sell reclaimed wastewater to the Fredericksburg Independent School District.

Background / Analysis:

The City has a WWTP Effluent 210 Permit with Texas Commission of Environmental Quality (TCEQ) which defines how and where wastewater effluent from the City's WWTP can be used. The City currently sells wastewater effluent to Boot Ranch for golf course irrigation, as well as to contractors

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The City of Fredericksburg

for construction activities. Additionally, Lady Bird Johnson Golf Course also uses wastewater effluent for golf course irrigation. Both uses are permitted under the current TCEQ WWTP Effluent 210 Permit.

A couple of years ago the Fisd approached the City about purchasing reclaimed wastewater to irrigate its football practice fields. After a couple of meetings with the Fisd Superintendent and a presentation to the Fisd School Board, the Fisd has agreed to purchase reclaimed water from the City. The school district is aware that the City has other reclaimed water contracts in place and the reclaimed water is only available if there is a surplus after the two golf courses receive the effluent they have requested. Under the City's reclaimed water permit with TCEQ, irrigation of athletic fields is permitted.

The price included in the contract is \$0.35 per 1,000 gallons flat rate for an unlimited amount as available with the current delivery schedule at the WWTP. This rate will be reevaluated annually based on the cost to deliver effluent from the WWTP to the school district's delivery point. The City Staff believes this is a very reasonable rate, which is well below the rate for potable water. Additionally, City staff feels that both parties will benefit with this contract.



The City of Fredericksburg

AGREEMENT FOR THE SALE AND PURCHASE OF TYPE I WASTEWATER EFFLUENT
Fredericksburg Independent School District

Date of Agreement: _____
Buyer: Fredericksburg Independent School District (FISD)

FISD agrees to purchase from the City of Fredericksburg (City) Type I wastewater effluent produced by the City's Wastewater Treatment Plant (WWTP).

Effluent water will be available at FISD's connection to the City's effluent line located at a location shown on Exhibit A. Additionally, the effluent water will be available for purchase through such line connection as available in accordance with the existing contracts and the schedule established at the WWTP. FISD shall develop construction plans showing the connection to the City's effluent line, automatic valves, SCADA controls and other necessary infrastructure needed to connect to the City's effluent water line. The SCADA controls shall be developed to determine the availability of effluent. FISD will be responsible for all costs associated with the connection to the City's effluent line as well as the necessary infrastructure to operate FISD's system; including but not limited to storage tanks, piping, valves, SCADA, and irrigation equipment. The connection shall be in accordance with City and State standards and regulations, and shall not occur until after City and State approval. FISD understands that the effluent water may not be available at all times, and that the City will serve effluent customers, including FISD on a first come first served basis except for the effluent water contractually committed by the City to others and except for the effluent water used by the City, as it desires.

All required sampling and testing by FISD will be the responsibility of FISD. The City will provide sampling and analysis, as required by the City's Type I reclaimed authorization permit with Texas Commission of Environmental Quality (TCEQ).

The provision of reclaimed water by the City to the Buyer is subject to all rules of the Texas Administrative Code as the same are applicable and as may be amended from time to time, and the requirements set forth in the attached Authorization for Reclaimed Water Authorization Permit with the Texas Commission of Environmental Quality.

The reclaimed water will be sold to FISD based on a unit price per 1,000 gallons delivered at the point of delivery. The price of reclaimed water shall be initially set at thirty-five cents (\$0.35) per 1,000 gallons and then adjusted annually based on the previous calendar year's actual cost of delivery incurred by the City, plus twenty five (25%) percent but shall not be less than \$0.35 per thousand gallons. The cost of delivery shall include, but not be limited to, pumping power costs and the normal operation and maintenance costs required for pumping the wastewater effluent to the point of delivery and for maintenance and/or replacement of lines.

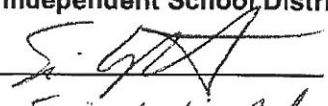
Payment is due within 30 days following the date the invoice is sent to the following address, unless otherwise noted.

Fredericksburg Independent School District
234 Friendship Lane
Fredericksburg, Texas 78624

FISD agrees that as a condition of the purchase of reclaimed water by FISD the water is delivered **AS IS**. Reclaimed water is transferred in its condition on the day of delivery. THE CITY SPECIFICALLY DOES NOT AND WILL NOT REPRESENT NOR WARRANT THE CONDITION OF THE RECLAIMED WATER, OR ITS CONTENTS OR SUITABILITY FOR ANY PARTICULAR USE. FISD ACKNOWLEDGES WARRANTIES AND COVENANTS THAT FISD HAS BEEN AFFORDED AN OPPORTUNITY TO TEST OR EXAMINE THE SUITABILITY AND CONDITION OF THE WATER PRIOR TO PURCHASE, AND THAT FISD'S DECISION TO PURCHASE THE RECLAIMED WATER HAS BEEN BASED ENTIRELY UPON FISD'S OWN EXAMINATION, INSPECTION, INVESTIGATION AND EVALUATION OF THE RECLAIMED. **FISD SPECIFICALLY WAIVES AND DISCLAIMS ANY EXPRESS OR IMPLIED**

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Fredericksburg Independent School District

Signature: 

Print Name: Eric Wright

Office Held: Supt.

Date: 3-6-14

City of Fredericksburg

Signature: _____

Print Name: _____

Office Held: _____

Date: _____



CITY COUNCIL MEMO

DATE: March 17, 2014

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Utility Costs-Former Texas Rangers Heritage Center

Summary:

The economic development agreement between the City and the Former Texas Rangers Foundation requires that all expenditures by the City for utility work at the Heritage Center shall be subject to appropriation by the City in the budget year when such expenditures are made.

Recommendation:

It is recommended that the Council approve the costs for utility work at the Heritage Center that are required under the terms of the economic development agreement between the City and the Former Texas Rangers Foundation and approve amendments to the Water and Electric Fund's FY 2014 Budget to cover these costs.

Background / Analysis:

As you know, site work has begun on phase 1 of the Heritage Center project. Phase 1 includes the pavilion, outside amphitheatre, Rangers Ring of Honor, Campanile and related parking and landscaping

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improvements. As a result of the first amendment to the economic development agreement approved last year, the education center was moved to phase 2 of the project and will be completed by 2018.

Section 2.01 of the economic development agreement specifies obligations of the City with regard to the Heritage Center since it will have a positive economic development impact on the City. For example, it specifies that we will waive all building permit and impact fees for the project which have totalled \$19,704 to date. It also includes some six different utility improvements that the City will provide at our costs. We now have final cost numbers for the improvement listed below and Council approval is requested at Monday's meeting.

Domestic Water line to Pavilion	\$4,800.00	
Irrigation Meter	1,800.00	
Domestic Water Line to New Building	6,300.00	
TOTAL WATER		\$12,900.00
Gravity Line (4") to New Building	\$10,700.00*	
Force Main (2") to Lift Station	3,400.00	
Sewer Lift Station	36,300.00	
TOTAL SANITARY SEWER		\$50,400.00
Itz Electric-Secondary Service	\$29,684.00	
Transformer, materials, ,metering by City	18,706.20	
TOTAL ELECTRICAL		\$48,390.20
GENERAL CONDITIONS		\$4,203.00
CONTRACTOR'S FEE		\$3,341.00
TOTAL UTILITY EXPENSES		\$119,234.20

*This gravity sewer line is proposed for a depth of 24" which requires approval by the project's engineer. If this depth is not approved, then the total costs for this improvement will increase by \$6,750.00

In addition to these improvements, the Former Texas Rangers have requested that the City cover the costs for the relocation of a 340 foot 12" water line (\$41,400) and 200 feet of 2" and 6" sewer mains (\$22,200). If the City approves this request, then \$63,600 should be added to the cost listed above. Section 2.01 B (a) indicates that the City will relocate these lines contingent upon the Foundation


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working "with the City on its site development plan with the goal of locating the buildings so that such relocation shall not be required." As previous indicated to the Council, the building referred to in this section is the education building that has now been postponed to phase 2 of the project. This building will likely have the most significant economic impact to the community once it is constructed and opened. Therefore, there are three different options that I recommend for the Council to consider with regard to these relocation costs including:

1. Fund these relocation costs now and approve a total of \$182,834.20 in utility improvements.
2. Disapprove this funding request since the Foundation's engineer did not work closely with the City to try to avoid this relocation.
3. Approve the funding for the utility relocations as a credit for the City to pay the Former Texas Rangers when the education building, which is the most important economic development component of the project, starts construction.

The Former Texas Rangers Heritage Center project will be a major asset for the City particularly when added to the adjacent Fort Martin Scott historic site. In the future, these two sites should be a major draw for visitors to Fredericksburg. We look forward to the opening of phase 1 of the Heritage Center this November and the completion of the construction of phase 2 by February, 2018.



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