

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, APRIL 17, 2017 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Graham Pearson, Council Member
Charlie Kiehne, Council Member

Gary Neffendorf, Council Member
Bobby Watson, 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.

PLEDGE OF ALLEGIANCE.

Page Ref

1. **EMPLOYEE RECOGNITIONS**
2. **MINUTES** - Consider Approving Minutes of March 2017 Meetings 1-8
3. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
 - A. Consider Sound Ordinance Revisions - 1st Reading 9-18
 - B. Consider Watering Restrictions 19-20
 - C. Consider Review of Curfew Ordinance 21-26
4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Update on Leadership Project at Lady Bird Johnson Park 27-28
 - B. Update and Discussion of Arundo Donax Treatment 29-30
5. **CITY MANAGERS REPORT**
 - A. April 24 City Council Retreat
 - B. Affordable Housing Charrette
 - C. Downtown Parking Study
 - D. Municipal Court Judge Position
 - E. Mid-Year Budget Review
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. **ADJOURN**

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**SPECIAL CITY COUNCIL MEETING
MARCH 6, 2017
5:00 PM**

On this the 6th day of March, 2017, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
BRIAN JORDAN – DIR DEVELOPMENT SERVICES
PAT McGOWAN – CITY ATTORNEY

TRANSPORTATION MASTER PLAN – Consultants Kimley-Horn lead a Transportation Master Plan Workshop to provide Council with an overview of the criteria that may be used to rank and prioritize transportation capital improvement projects in accordance with the overall goals for the master plan. No action was taken.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 6:00 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of April, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**REGULAR CITY COUNCIL MEETING
MARCH 06, 2017
6:00 PM**

On this the 6th day of March, 2017, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
GRAHAM PEARSON – COUNCIL MEMBER

BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
SHELLEY BRITTON - CITY SECRETARY
LAURA HOLLENBEAK – DIR OF FINANCE
PAT McGOWAN - CITY ATTORNEY
STEVE WETZ – POLICE CHIEF
JOHN CULPEPPER – DIR OF COMMUNITY SUPPORT
RUSSELL IMMEL - IT

The meeting was called to order at 6:00 PM following the Pledge of Allegiance.

ORDINANCE CANCELING MAY 6, 2017 ELECTION – It was moved by Council Member Watson, seconded by Council Member Pearson, to forgo the second reading and adopt an Ordinance Canceling the May 6, 2017 Election. The vote was as follows: AYE: Langerhans, Watson, Pearson, Neffendorf, and Kiehne; NAY: None. Motion carried.

ORDINANCE NO. 27-003

AN ORDINANCE CANCELING THE REGULAR CITY ELECTION ON MAY 6, 2017, FOR THE ELECTION OF TWO (2) COUNCIL MEMBERS FOR THE CITY OF FREDERICKSBURG, TEXAS. (Recorded in Ordinance Book)

COMMUNITY BEAUTIFICATION POSTER CONTEST – Mo Saïde presented the Community Beautification Poster Contest awards to: Preston Seward, 1st place, Kelsey Lansford, 2nd place, Cheyenne Beals, 3rd place, and Charity Keese, honorable mention. The 1st place poster will be used in support of a community clean-up campaign.

CITY MANAGER'S REPORT - City Manager's Report included (1) Sound Ordinance, (2) Certificates of Obligation, (3) Community Visioning Process, (4) Marktplatz Improvements, and (5) Downtown Parking Study.

UPCOMING AGENDA ITEMS – Council reviewed upcoming agenda items.

PUBLIC COMMENTS – None.

COUNCIL COMMENTS – None.

EXECUTIVE SESSION - It was moved by Council Member Kiehne, seconded by Council Member Watson, to recess the regular session and go into Executive Session at 6:25 PM. All voted in favor and the motion carried. At 7:25 PM, it was moved by Council Member Pearson, seconded by Council Member Neffendorf, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session:

CITY ATTORNEY POSITION – No action taken.

ART GUILD PROPERTY – It was moved by Council Member Pearson, seconded by Council Member Watson, to advertise for bids for the sale of 308 E. Austin St., the property currently used by the Fredericksburg Art Guild. All voted in favor and the motion carried.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 7:28 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th of April, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**SPECIAL CITY COUNCIL MEETING
MARCH 10, 2017
8:00 AM**

On this the 10th day of March, 2017, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
BRIAN JORDAN – DIR DEVELOPMENT SERVICES
PAT MCGOWAN – CITY ATTORNEY

EXECUTIVE SESSION - It was moved by Council Member Kiehne, seconded by Council Member Watson, to recess the regular session and go into Executive Session at 8:00 AM. All voted in favor and the motion carried. At 8:50 AM, it was moved by Council Member Kiehne, seconded by Council Member Watson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session:

ECONOMIC DEVELOPMENT AGREEMENT - UFER STREET HOTEL - No action taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 8:51 AM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of April, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
MARCH 13, 2017
5:30 PM

On this the 13th day of March, 2017, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: CHARLIE KIEHNE – COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
BRIAN JORDAN – DIR DEVELOPMENT SERVICES
PAT McGOWAN – CITY ATTORNEY

COMPREHENSIVE STUDY OF PARKING ISSUES IN DOWNTOWN FREDERICKSBURG – Representatives of The Goodman Corporation held a public meeting as the first step in a comprehensive study of parking issues in downtown Fredericksburg. No action was taken.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 7:00 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of April, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**REGULAR CITY COUNCIL MEETING
MARCH 20, 2017
6:00 PM**

On this the 20th day of March, 2017, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
CLINTON BAILEY – ACM/DPWU
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES
LAURA HOLLENBEAK – DIR OF FINANCE
RUSSELL IMMEL – IT MANAGER
STEVE WETZ – POLICE CHIEF

The meeting was called to order at 6:00 PM following the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS – The City Manager recognized several employees including Clinton Bailey, Street Dept (for signs – Gen Hagee), Police Department, and Sanitation Dept.

MINUTES – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the minutes of the February 2017 meetings. All voted in favor and the motion carried.

CONSENT AGENDA - It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the Consent Agenda as follows:

- Rental Fees for Swimming Pool Parties
- Lease/Purchase Agreement with VAR Technology Financial

The vote was as follows: AYE: Langerhans, Watson, Pearson, Neffendorf, and Kiehne; NAY: None. Motion carried.

BIDS RELATING TO THE SALE OF OBLIGATIONS DESIGNED AS “CITY OF FREDERICKSBURG, TEXAS, COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017”; CONSIDERATION AND APPROVAL OF FINANCIAL ADVISORS RECOMMENDATION CONCERNING THIS MATTER AND OTHER MATTERS IN CONNECTION THEREWITH – It was moved by Council Member Watson, seconded by Council Member Neffendorf that the City Council accept the Financial Advisor’s recommendation concerning the acceptance of bids relating to the sale of obligations designated as “City Of Fredericksburg, Texas, Combination Tax And Limited Pledge Revenue Certificates Of Obligation, Series 2017”. The vote was as follows: AYE: Langerhans, Watson, Pearson, Neffendorf; NAY: Kiehne. Motion carried.

ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF FREDERICKSBURG, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017”; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY’S PARKS AND RECREATIONAL FACILITIES; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN OFFICIAL BID FORM; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY’S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE – A motion by Council Member Pearson, seconded by Council Member Neffendorf, that the City Council Adopt An Ordinance Authorizing The Issuance Of “City of Fredericksburg, Texas, Combination Tax And Limited Pledge Revenue Certificates of Obligation, Series 2017, not to exceed \$3,555,000, and to waiver the 2nd reading of the Ordinance. The vote was as follows: AYE: Langerhans, Watson, Pearson, and Neffendorf; NAY: Kiehne. Motion carried.

ORDINANCE NO. 27-004

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF FREDERICKSBURG, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017”; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY’S PARKS AND RECREATIONAL FACILITIES; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN OFFICIAL BID FORM; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY’S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

UPDATE ON CITY WATER SUPPLY – Clinton Bailey presented Council with updated information regarding the City’s current and future water supply, as a basis for making a decision in the near future whether to terminate the current drought response state and associated watering restrictions. Council agreed to a follow up discussion in April. No action was taken.

CITY MANAGER’S REPORT – City Manager Kent Myers reported on (1) Visioning Process, (2) Downtown Parking Study, and (3) Marktplatz Improvements.

PUBLIC COMMENTS – Council heard from Lenny Medina, Vice Chair of the Traditional American Indian Society, who invited Council to the “Honoring the Past/Changing the Future” Powwow on Marktplatz, June 16-17, 2017.

COUNCIL COMMENTS – Mayor Langerhans commented on the Nimitz 50th Anniversary Dinner.

EXECUTIVE SESSION - It was moved by Council Member Kiehne, seconded by Council Member Watson, to recess the regular session and go into Executive Session at 7:25 PM. All voted in favor and the motion carried. At 8:00 PM, it was moved by Council Member Pearson, seconded by Council Member Neffendorf, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session:

CITY ATTORNEY POSITION – No action was taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 8:02 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of April, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**SPECIAL CITY COUNCIL MEETING
MARCH 31, 2017
2:45 PM**

On this the 31st day of March, 2017, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Hill Country University Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
BRIAN JORDAN – DIR DEVELOPMENT SERVICES

HILL COUNTRY UNIVERSITY CENTER STAKEHOLDER MEETING – Council participated in the HCUC Stakeholder Meeting; no action was taken.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 3:40 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of April, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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CITY COUNCIL MEMO

DATE: March 28, 2017
TO: Mayor and City Council
FROM: Steven Wetz, Chief of Police
SUBJECT: Revision of Noise Ordinance

Summary:

After several meetings with the Sound Ordinance Committee, and input from them, the Fredericksburg Police Department, along with assistance from our City Attorney, we have put together the following revision to the current City of Fredericksburg Noise Ordinance.

Recommendation:

Staff recommends that the attached draft be approved with a one year sunset provision. The one year would allow the Sound Committee, at their recommendation, to complete the survey and discuss and propose a conditional use permit for new outdoor music venues. This conditional use permit would allow the city to control outdoor music venues that may affect residential areas.

Background / Analysis:

In reviewing the ordinance with the sound committee, we found two areas of concern.

The definition of the responsible party was a concern for a few members. The committee agrees that the person responsible for the sound issues at a commercial venue should be the owner/manger at the

venue when the infraction occurs and not a band employee. These members would like the ordinance to exempt these types of employees in the ordinance and Staff recommends that the wording remain as is.

The second discussion came with the legal Dba levels set in the ordinance. Originally the ordinance had a level of 70Dba during the evening and 60Dba at night while conducting our measurement at a distance of 70 feet. With the new ordinance the measurement would be made at a distance of 50 feet which would lower the allowable Dba by about 3 decibel points. It was requested that the new ordinance would allow for 75Dba during the evening and 65Dba at night in commercial zones. The new ordinance also sets a new decibel level for residential areas of 55Dba during the night time hours, and no amplified sound in the residential areas between the hours of 10PM and 6AM. Staff agrees to these levels during the one year sunset period to be reevaluated at that time.

Attachments:

Copy of the newest revision of the noise ordinance.

Department Approval



City Manager Approval

Ordinance No. _____

WHEREAS, the City Council of the City of Fredericksburg recognizes that in the adoption of ordinances which regulate allowable sound levels, and which are meant to protect the users of property who are in close proximity to others who are creating sound from the harmful effects and inconvenience of such sounds, that such regulations will require amendment from time to time; and

WHEREAS, the City Council of the City of Fredericksburg has determined that there is a now a need to amend existing provisions of its ordinance regulating sound levels to better serve the citizens of the City and to aid in the enforcement of the regulations which exist and which are adopted herein, and

WHEREAS, the City Council of the City of Fredericksburg has held hearings prior to the adoption of the following amendments, and has determined that they will better further the goals of the existing sound regulations, and should be adopted,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT CHAPTER 20- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VI. - NOISE AND SOUND LEVEL REGULATION be and is hereby amended and restated as follows:

Sec. 20-207. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

- (a) Daytime hours shall mean the hours from 6:00 a.m. on one day until 8:00 p.m. the same day.
- (b) dB(A) shall mean the intensity of a sound expressed in decibels.
- (c) Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.
- (d) Emergency work shall mean any work performed for the purpose of (i) preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, (ii) restoring property to a safe condition following a fire, accident, or natural disaster, (iii) protecting persons or property from exposure to danger, or (iv) restoring public utilities.
- (e) Evening Hours Commercial shall mean the hours from 8:00 p.m. on one day until 11:00 p.m. the same day for Sundays through Thursdays of each week. Evening hours shall mean the hours from 8:00 p.m. on one day until 12:00 midnight the same day for

Friday and Saturday nights of each week for properties in the following zoning districts: C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs.

- (f) Evening Hours Residential shall mean the hours from 8:00 p.m. on one day until 10:00 p.m. the same day for properties in the following zoning districts: R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs AND for commercial, manufacturing or industrial properties (C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs) when measured at a Property line which separates that property from any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs.
- (g) Nighttime Hours Commercial shall mean the hours from 11:00 p.m. on one day until 6:00 a.m. the following day for Sundays through Thursdays, and 12:00 midnight on one day and 6:00 a.m. the same day on Saturday and Sunday mornings for properties in the following zoning districts: C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs.
- (h) Nighttime Hours Residential shall mean the hours from 10:00 p.m. on one day until 6:00 a.m. the following day for properties in the following zoning districts: R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs AND for commercial, manufacturing or industrial properties (C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs) when measured at a Property line which separates that property from any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs.
- (i) Outdoor Amplified Sound means any sound produced, projected or generated outdoors utilizing speakers or other sound projection or enhancement equipment.
- (j) Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, specific words or the artist performing it. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
- (k) Property line shall mean, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.
- (l) Responsible Party shall mean any of the following persons, including entities (including but not limited to corporations, trusts, partnerships, associations and the like), who or which violates the terms of this Article including, as applicable:
 - (1) Any person present at the time of the offense who makes, assists in making or continuing, permits, causes or permits sound in excess of the provisions of this Article to be made or continued, or
 - (2) Any person who has the ability to control the level of noise at the time of the offense, or
 - (3) Any owner of the property on which the violation occurs, any owner or manager (including an employee in charge at the time of the offense) of the business being conducted on the property on which the violation occurs,

- (4) Any operator of, or person in charge of the sound generating instrument or equipment at the time of the offense; or
- (5) Any person who leaves unattended any equipment, machine, instrument, device, child, animal, or any combination of same, which thereafter commences producing noise in violation of this article.
- (m) Sound shall include a single source or collective sources emanating from a single property.
- (n) Zoning Ordinance shall mean the City of Fredericksburg Zoning Ordinance as the same may be amended from time to time. Any reference to the location of properties or Zoned properties or areas shall be to the zones established in the Zoning Ordinance as may be modified in a specific violation description.

Sec. 20-208. - Prohibitions.

Sounds exceeding, or not complying with, the following under the conditions and measurement criteria set forth in this chapter shall be unlawful and no Responsible Party shall make, assist in making, permit, continue or cause to be made or continued such sounds in any Zoning area except as defined in this Article.

- (a) Sound levels shall not exceed the following:
 - (1) 85 db(A) during Daytime Hours; or
 - (2) 75 db(A) during Evening Hours Commercial or Evening Hours Residential as applicable; or;
 - (3) 65 db(A) during Nighttime Hours Commercial.
 - (4) 55 db(A) Nighttime Hours Residential.
- (b) Outdoor Amplified sound is prohibited from 10:00 p.m. on any day until 6:00 a.m. the following day in residentially zoned properties (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs).
- (c) The pouring of a slab, demolishing a building, or utilizing any yard tools, mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device, commercial or industrial power tools is prohibited from 10 p.m. on any day until 7 a.m. the following day on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs) or commercially zoned property (C-1, C-2, CBD or related PUDs) on any day without first having obtained a permit issued in accordance with section 20-211 below for such work.
- (d) Knowingly making, assisting in making, permitting, continuing, or causing to be made or continued of any unreasonable sound that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others is prohibited on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs). In determining whether a sound is unreasonable, the following factors shall be considered as applicable to the circumstances:

1. That the sound is loud, unnecessary, or unusual;
2. That the sound occurs between Midnight and 6 o'clock am;
3. That the sound is not compatible with the normal activity of the area in which the property is located at that time of day;
4. That the sound created at a location where the sound emanates is due to an excessive number of people for that time of day;
5. That the sound is recurrent, intermittent, or constant;
6. That the volume and intensity of the sound is excessive;
7. That the sound has been enhanced in volume or range by any type of electronic, mechanical or other means, and is operated with louder volume than is necessary for convenient hearing of persons who are in the vehicle, or within the property or premises, from which such sound originates and who are voluntary listeners thereto.
8. That the sound is subject to being controlled without unreasonable effort or expense to the creator thereof;
9. That the sound is plainly audible or physically detectable at a distance defined in section 20-210(b) below.

Prior to issuance of a complaint the City Police Department and or Municipal Court Prosecutor may require a written complaint from anyone complaining of an excessive noise under this section (d).

Upon receipt of a prior notice or warning, verbal or otherwise, from a peace officer or a code enforcement officer of the City of Fredericksburg, it shall be presumed that the person has knowledge that the sound is unreasonable.

- (e) The use of any motor vehicle so that it creates any loud and unreasonable or unusual sound which is heard above all other vehicles at a distance of fifty (50') feet from the vehicle is prohibited.
- (f) The making, assisting in making, permitting, continuing, causing to be made or continued, or permitting the continuance of Amplified Sound from a motor vehicle on a public roadway that is plainly audible from a distance of fifty (50') feet from the vehicle on abutting streets of, or properties which are zoned PF, R-1, R-2, R-3, R-4, R-5, Rural Residential, C-1, C-2, CBD or related PUDs is prohibited.
- (g) The operation of an engine of any motor vehicle as defined by the Texas Transportation Code so as to "brake" or slow the same through the use of gears (commonly known as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise is prohibited.
- (h) The operation of or allowing of an engine of any sort of motor vehicle, except emergency equipment at any location or vehicles then located at a permitted public event or parade, to idle for more than one hour is prohibited.
- (j) The acts enumerated in the foregoing sections of this chapter, among others, are declared to be loud, disturbing, and unnecessary noises and nuisances in violation of this chapter.

Sec. 20-209. - Noisy animals and birds.

- (a) The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities

and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is otherwise within the permissible levels specified in section 20-208(a) above.

- (b) In any prosecution for a violation of this section, the fact that any loud animal noise which disturbed any person and which occurs in residential areas (R-1, R-2, R-3, R-4, R-5, Rural Residential, or related PUDs) either:
 - (1) during Nighttime Hours Residential; or
 - (2) when none of the residents who reside at the place where the animal or bird is being kept are at home shall create a rebuttable presumption that such noise was in violation of this article.
- (c) In any prosecution for a violation of this section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations within a six month period shall create a rebuttable presumption that such noise was in violation of this article.

Sec. 20-210. - Method of sound measurement.

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association or better. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements will be made for a duration of no less than thirty (30) seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.
- (b) Measurements of sound shall be taken from either:
 - (1) the property line of the property from which the sound originates but in no event less than fifty (50') feet from the sound source (where the sound is generated), and all measurements shall be taken toward the source of the sound, or
 - (2) the property line nearest the sound source of a property occupied by a person who reports a violation of this Chapter to the City but in no event less than fifty (50') feet from the sound source (where the sound is generated), or
 - (3) a minimum of fifty (50') feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.

Sec. 20-211. - Permit for construction or use of tools, equipment.

- (a) The permit required in section 20-208 (c) shall be issued upon compliance with the requirements of this section. Properties for which a permit is issued for construction or for the use of outdoor tools or equipment (except equipment related to Amplified Sound) may exceed the sound levels of section 20-208 (a) above.

- (b) For properties which are commercially zoned (C-1,C-2, CBD or related PUDs) at any time of the year, but may be issued for properties which are residentially zoned (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs) only during the time period from Memorial Day through Labor Day of each year.
- (c) Shall be obtained by making application to the City Police Department or other person or department of the City so designated by the City Manager.
- (d) Upon payment of an administrative fee for the costs of issuing the permit or a sworn statement of inability to pay the fee, and
- (e) Is valid for the requested day between the hours of 5:00 a.m. and 12:00 midnight.
- (f) Shall not be issued to the same or any other person for the same location more than twice nor for more than two consecutive days during any 30 day period.
- (g) Shall not be issued unless the applicant provides proof to the City that he or she has notified all persons who occupy or own properties adjacent to the site for which the permit is sought or the activity/work to be done and the expected duration of the activity/work. Such notice shall be sent in the same manner as set out in the Zoning Ordinance of the City of Fredericksburg, or hand delivered to the properties. Notices shall be sent at least ten (10) days in advance of the proposed activity.
- (h) The permit application required to be filed pursuant to this section shall contain the following information:
 - (1) The date of the application and the date and hours for which the permit is requested.
 - (2) The name and address of the applicant, and the name and address of the person in charge of the activity/work.
 - (3) A description and diagram of the property on which the activity/work will occur.
 - (4) The address and a description of the location where the equipment will be used.
 - (5) A description of the type of equipment, tools or other devices to be used.
- (i) All permits must be posted on site in a clearly visible location. No permit may be issued for a period of one year from the date of the latest conviction for any property which is the subject of two convictions or deferrals of convictions within any twelve month period even if there is a change in ownership or management.

Sec. 20-212. - Exemptions and defenses.

- (a) The following are exemptions from prosecution under this ordinance, but which need not be specifically plead in any complaint or indictment:
 - (1) The sound was generated or produced as a result of an emergency, by an authorized emergency vehicle or due to emergency work to restore utilities or other public works.
 - (2) The sound was generated or produced:
 - (i) By any public utility or public works or by governmental authority including, but not limited to, street and road construction and repair, operation of water treatment plants, animal shelters and the like, the alerting persons to the existence of an emergency, danger, or attempted crime; or

- (ii) At a lawfully scheduled stadium event or at the Gillespie County Fair Grounds as currently located at 2000 South US Highway 16; or
 - (iii) By a parade and spectators and participants on the parade route during a lawful parade; or
 - (iv) By patrons and participants using cannons and gunfire during historical battle re-enactments or demonstrations for which a pyrotechnic permit was obtained and the explosives for which were inspected by the fire marshal provided that such events shall not exceed one weekend in any 30 calendar day period or 12 weekends in any one calendar year; or
 - (v) By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - (vi) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the City of Fredericksburg, which has received a Special Events review and Permit in accordance with the City's promulgated Special Events policies and is in compliance with any provisions of such permit and otherwise in full compliance with City regulations; or
 - (vii) By aircraft, in flight or in operation at an airport, or bus, trolley, railroad equipment in operation on streets or railroad rights-of-way, if any; or
 - (viii) By church bells or church chimes when used as part of a religious observance or service during Daytime Hours or Evening Hours depending upon the location of the church;
 - (ix) During Daytime Hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletics, band and school entertainment practice or events.
- (3) The sound emits from or is produced by lawful manufacturing or industrial pursuits on Manufacturing or Industrially zoned property (I, M-1, M-2 or M-3 or an Industrial or manufacturing related PUD) or is the sound of animals emitting from a veterinary business, animal shelter or other animal or livestock related business lawfully located within the City in accordance with the City of Fredericksburg's Zoning Ordinance.
- (4) The following defenses shall apply to any offense established in this chapter, and the same must be specifically plead by anyone charged with a violation, the burden of proof being upon the person claiming such defense:
- (i) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or regulation of any governmental entity or agency and is not generated by governmental authority; or
 - (ii) The sound was produced by or for emergency work not exempted as set forth in (a)(2) above, or
 - (iii) The sound was generated as authorized under the terms of a permit issued under section 20-212 of this Code.
- (b) The regulations hereof are not required for the purpose of regulating speech which is protected speech or to conflict with any law of any superior governmental authority.

Any regulation hereof that is in conflict with any such right or authority is hereby declared to be inoperative and severable from the other regulations herein, and is additionally declared to be an exemption.

Sec. 20-213. - Penalty.

- (a) The provisions of section 20-208 provide the various violations, and a person or entity may be prosecuted under any or all of the subsections thereto. Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than that defined in section 1-6 of the Code of Ordinances of the City of Fredericksburg. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense. For purposes of setting fines, violations hereof are declared to be health and safety violations.
- (b) Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

Add Fee in Appendix A \$ 10 to start or affidavit of inability to pay

3/27/17 (removed highlights)



CITY COUNCIL MEMO

DATE: April 17, 2017
TO: Mayor and City Council
FROM: Clinton Bailey, P.E., Assistant City Manager/Director of Public Works and Utilities
SUBJECT: Discussion of Setting Drought Response Stage

Summary:

This item is for the discussion of setting the City's drought response stage in accordance with provisions of the Fredericksburg Code of Ordinances regarding watering restrictions, specifically Fredericksburg, Texas, Code of Ordinances, PART II - CODE OF ORDINANCES, Chapter 47 – UTILITIES, ARTICLE II. - WATER CONSERVATION MEASURES.

Recommendation:

The City is currently in Drought Response Stage 3. Staff recommends that the City remain in Drought Response Stage 3.

Background / Analysis:

During the regular meeting of the City Council on March 20, 2017, City Staff made a presentation regarding the City of Fredericksburg Water Supply. The presentation was intended to provide the City Council and the public with a broad overview of the status of the statewide drought and its effects on

municipal water supplies. At the conclusion of the presentation the City Council gave staff direction to bring an item back to Council in 30 days to set the watering stage for 2017.

Attachments: none



Department Approval



City Manager Approval

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The City of Fredericksburg



CITY COUNCIL MEMO

DATE: April , 2017

TO: Mayor and City Council

FROM: Steven Wetz, Chief of Police

SUBJECT: Review and reinstate the Juvenile Curfew Order or Ordinance

Summary: In accordance with Texas Government code 370.002, the city must review and reinstate the local juvenile curfew ordinance every three years or the ordinance will expire.

Recommendation: Vote to continue the ordinance as is and make no changes.

Background / Analysis: This ordinance was enacted in April 2009 due to problems with juvenile crimes occurring in the late night hours. Since the inception of this ordinance juvenile crimes have fallen. During the last 12 months we have filled 8 Juvenile crimes and the County Sheriff's Office has had 9. There have been no Curfew violations cited in the last 12 months.

370.002. REVIEW OF JUVENILE CURFEW ORDER OR
ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, § 96, eff. May 31, 1995.

Sec. 20-118.

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:

Curfew hours means:

- (1) Between the hours of 12:01 a.m. and 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday; and
- (2) Between the hours of 1:01 a.m. and 6:00 a.m. on any Saturday or Sunday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately or publicly owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means:

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation or other person in control of the premises.

Parent means a person who is:

- (1) A natural parent, adoptive parent, or step-parent of another person; or
- (2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the

common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(Ord. No. 19-003, § 20-118, 3-2-2009)

Sec. 20-119. Offenses;

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours. When the following day is a Fredericksburg independent school district holiday, the curfew hours shall be the same as on Saturday and Sunday.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or, by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. No. 19-003, § 20-119, 3-2-2009)

Sec. 20-120. Defenses.

- (a) It is a defense to prosecution under section 20-119 that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On a lawful errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;

- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Fredericksburg independent school district, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Fredericksburg independent school district, a civic organization, or another similar entity that takes responsibility for the minor;
 - (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 - (9) Married or had been married or had disabilities of minority removed in accordance with state law; or
 - (10) Has graduated from high school.
- (b) It is a defense to prosecution under section 20-119 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours.

(Ord. No. 19-003, § 20-120, 3-2-2009)

Sec. 20-121. Enforcement.

Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 20-120 is present.

(Ord. No. 19-003, § 20-121, 3-2-2009)

Sec. 20-122. Penalties.

- (a) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as provided for in the general penalty provision found in section 1-6
- (b) When required by V.T.C.A., Family Code § 51.08 as amended, the municipal court shall waive original jurisdiction over a minor who violates section 20-119 and shall refer the minor to the juvenile court.

(Ord. No. 19-003, § 20-122, 3-2-2009)

Sec. 20-123. Effective date and time.

It is hereby declared that this article shall become effective on April 25, 2009, at 12:01 a.m.



CITY COUNCIL MEMO

DATE: April 17, 2017

TO: Mayor and City Council

FROM: Andrea Warren, Parks & Recreation Director

SUBJECT: Gillespie County Leadership Class project update

Summary:

Members of the Leadership Gillespie County Class of 2017 will give an update on their class project: the revitalization of the area beneath Pavilion #2 at Lady Bird Park. The dedication is planned for May 18th.

Recommendation:

Receive Gillespie County Leadership Class of 2017 project update.

Background / Analysis:

Lady Bird Johnson Municipal Park encompasses 260 acres with 5 outdoor pavilions as well as numerous other park facilities. The 2017 Leadership Gillespie County class has been working diligently to make improvements at Lady Bird Park near pavilion #2. The 2017 Gillespie County Leadership class will present an update on their class project.

Attachments:

None

(27)

The City of Fredericksburg

Archer Warren

Department Approval

City Manager Approval

(28)

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: April 17, 2017
TO: Mayor and City Council
FROM: Clinton Bailey, P.E., Assistant City Manager/Director of Public Works and Utilities
SUBJECT: Update and Discussion of Arundo Donax Treatment

Summary:

This item is for the update and discussion of Arundo Donax treatment in and around Fredericksburg.

Recommendation:

n/a

Background / Analysis:

Monica McGarrity, Aquatic Invasive Species Team Leader with the Texas Parks and Wildlife Department, will give a brief presentation on the Arundo Donax treatment program in Fredericksburg. Her presentation will highlight the successes of the program since 2015, local landowner participation and future treatment of Arundo Donax and other invasive plant species primarily along Baron's Creek and Town Creek in Fredericksburg.

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The City of Fredericksburg

Attachments: none



Department Approval



City Manager Approval



The City of Fredericksburg

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