

REGULAR CITY COUNCIL MEETING AGENDA
MONDAY, OCTOBER 4, 2021 ~ 6 P.M.
LAW ENFORCEMENT CENTER
1601 EAST MAIN STREET
FREDERICKSBURG, TEXAS 78624

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

Jerry M. Luckenbach, Councilmember
Kathy O'Neill, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, October 4, 2021 at 6 p.m. This meeting will be held in person and live stream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel Fredericksburg, Texas USA - YouTube
(<https://www.youtube.com/c/FredericksburgTexasUSA>)

1. CALL TO ORDER

2. INVOCATION

(Jerry McCorkle, City resident)

3. PLEDGE OF ALLEGIANCE

4. EMPLOYEE RECOGNITIONS

5. PUBLIC COMMENTS

The City Council welcomes citizen participation and comments at all City Council Regular Meetings. The City Council offers citizens the opportunity to address them by signing up to speak prior to the meeting and to limit comments to 3-minutes.

Written Comments: to be submitted remotely:

- 1) Must be received by 3 p.m. on October 4, 2021.
- 2) Complete the Citizen Comment Form online at [Fredericksburg, TX - Official Website \(fbgtx.org\)](https://www.fbgtx.org); or
- 3) Email your comments to CitizenComments@fbgtx.org or
- 4) Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the "**October 4, 2021**, City Council Regular Meeting" tab.

Verbal Comments:

- 1) Sign up in-person between 5:30 p.m. and 6 p.m. at the Law Enforcement Center in order to comment.
- 2) You will be limited to 3 minutes to speak.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the

agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific information or recitation of existing policy. TEX. GOV'T CODE § 551.042.

6. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

- A.** Consider approval of City Council Minutes (Shelley Goodwin, City Secretary)
 - i. September 13, 2021 Special Meeting
(Agenda Packet Pages)
 - ii. September 15, 2021 Special Meeting
(Agenda Packet Page)
 - iii. September 20, 2021 Regular Meeting
(Agenda Packet Page)
- B.** Consider approval of hosting the Light the Night Christmas Parade on Friday, December 3, 2021, at 6:30 p.m. on Main Street (Jennifer Krupa, Special Events Coordinator).
(Agenda Packet Page)

7. ORDINANCES AND RESOLUTIONS

- A.** Consider the approval of Ordinance 2021-25 amending Article 25.000 – Health Department Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the fees for Food Establishment Inspections, Plan Review, and Permits issued by the City (1st of two readings; City Council may waive 2nd reading) (Kelli Olfers, Gillespie County Health Department Director).
(Agenda Packet Pages)
- B.** Consider the approval of Resolution 2021-11R authorizing the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Kent Myers, City Manager).
(Agenda Packet Pages)
- C.** Consider the approval of Resolution 2021-12R allowing votes for the Gillespie Central Appraisal District Board of Directors for a two- year term beginning January 1, 2022.(Kent Myers, City Manager).
(Agenda Packet Pages)

8. OTHER ACTION ITEMS AND UPDATES

- A.** Consider the approval of a contract and scope of services with Goodman Corporation for parking demand analysis, conceptual engineering and design services, financial pro forma and funding services in the amount of \$95,000.(Kent Myers, City Manager)
(Agenda Packet Pages)
- B.** Consider the approval of the revised contract with Federal International to begin accepting mixed paper/magazines and plastics at the Recycling Center on November 1,2021 (Garret Bonn, Assistant City Engineer).
(Agenda Packet Pages)
- C.** Consider the approval of the American Rescue Plan application for local non-profit agencies to apply for funding. (Kent Myers, City Manager)
(Agenda Packet Pages)

- D. Consider and discuss a presentation on the Animal Control fees (Braxton Roemer, Police Lt. Special Services).
(Agenda Packet Pages)
- E. Consider and discuss a presentation for a proposed airplane viewing area at Lady Bird Johnson Park (Clinton Bailey, P.E., Assistant City Manager/Public Works and Utilities Director)
(Agenda Packet Pages)
- F. Consider and discuss a presentation from John Rodriguez regarding solar and wind renewal energy.
(Agenda Packet Pages)

9. CITY MANAGER REPORT

- A. STR City Council Work Session-October 11
- B. Next City Council Work Session-October 25
- C. Oktoberfest Report

10. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages)

11. COUNCIL COMMENTS

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

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Real Property)....

- A. Consider and discuss *The City of Fredericksburg, Texas vs Arch Ray, LLC, and Fiesta on the River RV Resort, LLC*, pending in the 216th District Court (551.071); and
- B. Consider and discuss *E. 290 Owners Coalition vs. City of Fredericksburg, Texas*, pending in the Supreme Court of Texas (551.071), and
- C. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. Adams Street at San Antonio Street, in the City of Fredericksburg, Texas. (551.072); and
- D. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. State Hwy 16 at Fair Drive, in the City of Fredericksburg, Texas. (551.072); and
- E. Receive legal advice on Tex. Const, Art.1, §16, and recent Texas case law, concerning whether a law violates the constitutional prohibitions against retroactive laws, and takings claims (551.071).

13. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in Executive Session, as necessary.

14. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 4:00 p.m. on September 29, 2021, at the main entrance bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL WORK SESSION MINUTES
MONDAY, SEPTEMBER 13, 2021 ~ 6 P.M.
UNIVERSITY CENTER – HEB ROOM
2818 US 290 E.
FREDERICKSBURG, TEXAS 78624

Kent Myers, City Manager
Daniel Jones, City Attorney
Clinton Bailey, Assistant City Manager and Public Works/ Utility Director
Eric Whiting, IT Director
Brian Vorauer, Police Department Lt.
Officer Luke Smith
Jason Lutz, Development Services Director
Anna Hudson, Preservation Officer
Shelby Collier, Development Services Coordinator
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the work session of the Fredericksburg City Council to order at 6:00 p.m. on Monday, September 13, 2021.

2. REPORT

A., Proposed Changes to the City Zoning Ordinance affecting the operation of Short-Term Rentals (STRs) and amending site development regulations in multiple zoning districts.

i. Receive a report by Jason Lutz, Development Services Director, on the Proposed Changes to the City Zoning Ordinance Regulating Short-Term Rentals (STRs).

Jason Lutz, Development Services Director, reviewed the Proposed Changes to the City Zoning Ordinance Regulating Short-Term Rentals (STRs) PowerPoint.

ii. Public Comments

Mike Starks, City resident, spoke regarding the proposed ordinance and property values. He stated the Hill Country Real Estate Association has opposed the proposed ordinance.

Mike de Lota, Austin resident, spoke regarding the proposed ordinance's negative effects on STR owners.

Troy Gassaway, City resident, spoke regarding the proposed ordinance's negative effects on STR owners. He also noted he has recently sold 3 of his STRs due to the proposed regulations.

Jessica Lines, City resident, spoke regarding the negative effects of the proposed ordinance on her construction company that focuses on STRs.

Judith Rost stated she attended 2 STR meetings, and most were against STR regulations. She stated her realtor has told her that since STRs surrounds her, her property is not valued less.

LeeAnn Bailey, City resident, inquired about the rule to permitting relating to structures and zoning.

Sonya Rivera, City resident, spoke regarding the change in neighborhoods due to STRs. She encouraged the City Council to address the issues that are occurring in neighborhoods.

Todd Plunk, City resident, spoke regarding the positive effects STRs have on the City and the economy. He encouraged the City Council to slow down the process.

David Turpin, City resident, spoke regarding STR's effects on the City and its residents. He noted the STRs are pricing out the people who want to buy a home and now it is difficult to house nurses, teachers, etc.

Russ York, City resident, stated he runs a local school in Fredericksburg and the effects he and his staff are facing with buying a home. He stated he feels R means residential and C means commercial and meant to be for profit.

Liza Smith spoke regarding how her family's business could stay open due to tourism and how they had to transform. She encouraged the City Council not to take away property rights.

Marissa Weinheimer, City resident, stated she lives next to a B & B and has not experienced any issues. She encouraged the City Council to slow the process down.

David Pedregon, City resident, reviewed the past STR issues and the philosophy when he was on P&Z. He stated he is not anti-business but feels we need to find a balance.

Eddie Kramer, City resident, encouraged the City Council to cap STRs in R-1 zoning. He stated he feels that STRs are a business and should be identified as C-Commercial zoning.

Tim Bowyer, Hill Country Memorial Hospital Chaplain, spoke about the difficulties bringing staff here due to housing. He stated a rich community is one where there are neighbors and friends and encouraged the City Council to protect residents and limit STRs in R-1 zoning.

Ken Carr, Realtor, City resident, suggested the City Council find other avenues to balance neighborhoods and STRs.

Tim Dooley, City resident, spoke regarding STRs being considered as a commercial business. He noted then the City Council could hold them to the same rules as they do other businesses.

Ben Edgertug, City resident, thanked the STR Alliance for their hard work. He spoke regarding the economic benefits of STR.

Eric Hammerson, City resident, spoke regarding the rights and responsibilities of property owners. He noted AirBnB shows that there are 1,630 listings for this area. He encouraged the City Council to find a balance between the STRs and neighborhoods.

Jeffery Morin, City resident, spoke regarding property line issues. He noted the issues he is having are addressed in the proposed ordinance for newly built STRs.

Belinda McDonald, City resident, stated AirBnB statistics are run off zip codes and include the county. She spoke about the proposed ordinance and the issues that could occur.

Randy Briley, City resident and member of STR Alliance, encouraged the City Council to slow down the process. He reviewed the timeline and the issues that could occur if passed now.

Milton Buckelew, STR Alliance, stated real estate prices increased everywhere, not just Fredericksburg. He noted that out of all the residential homes, only 6% are STRs.

Sharon Joseph, Historic District Board, spoke regarding the new Historic Review Guidelines. She also reviewed the STR issues the Board sees every meeting.

Claudia Washburn stated she owns a house in town and is currently building in the county. When they move to their new home, they wanted to turn their home in the City into a long-term rental. She noted with the taxes, they will have to turn it into an STR. She noted the problems the City is experiencing would not be solved by the proposed ordinance.

Max Durrett, STR owner, noted that the average STR renter is 41 years old with a family. He encouraged the City Council to enforce the fines and rules already on the books.

Jill Tabor, City resident, stated she is opposed to the timeliness of the CUP and feels people should not be allowed to change their property zoning.

Carol Hammerson, City resident, encouraged the City Council to find a balance between STRs and neighborhoods.

4. DISCUSSION

The following item will be considered, discussed, and take appropriate action.

A. Discussion by City Council on Proposed Changes to the City Zoning Ordinance Regulating Short-Term Rentals (STRs).

Jason Lutz, Development Services Director, reviewed the following:

- Difference between hotel and STR parking requirements.
- How the City will be collecting data in the future.
- Looking at STR pockets throughout the City.
- Timeline

The City Council discussed the hot tubs, CUP process and allowing the two Code Enforcement Officers more time to address certain issues. They also discussed the need to find a balance between STRs, neighborhoods, and property rights.

The City Council discussed having Planning and Zoning Commission consider the proposed Ordinance in November, and the City Council consider it in December. They also discussed having another Workshop on October 11, 2021.

The City Council agreed by consensus to set a goal to complete the proposed ordinance by the end of February.

5. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the work session at 9:20 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL SPECIAL MEETING MINUTES
WEDNESDAY, SEPTEMBER 15, 2021 – 6 P.M.
CITY HALL-FIRE TRAINING ROOM
126 W. MAIN STREET
FREDERICKSBURG, TEXAS 78624

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Kathy O'Neill
Councilmember Bobby Watson

Members Absent:

Councilmember Tom Musselman

City Staff Present:

Kent Myers, City Manager
Daniel Jones, City Attorney
Braxton Roemer, Police Lieutenant
Laura Hollenbeck, Finance Director
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the special meeting of the Fredericksburg City Council to order at 6:00 p.m. on Wednesday, September 15, 2021.

2. PUBLIC COMMENTS

No one signed up to speak during the Public Comment Period.

3. 2021 TAX RATE

- i. **Hold a public hearing to receive comments for or against the proposed 2021 Tax Rate.**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Meeting into the public hearing at 6:01 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Kent Myers, City Manager, stated the City Council set a proposed tax rate at .225823 to formulate the budget. He reviewed the budget process and noted the proposed tax rate would likely come down.

Jerry McCorkle, City resident, spoke in opposition to the proposed tax rate.

Eric Hammersen, City resident, spoke in opposition to the proposed tax rate. He also encouraged the City Council to approve the "no new revenue tax rate."

Mo Saiidi, City resident, spoke in opposition to the proposed tax rate. He provided a handout regarding choices and encouraged the City Council to approve a “no new revenue tax rate” or below that.

Tom Marschall, City resident, spoke in opposition to the proposed tax rate. He encouraged the City Council to direct staff to scrub the budget.

Annette Bennett, City resident, spoke in opposition to the proposed tax rate. She encouraged the City Council to approve the “no new revenue tax rate”.

Debra Habecker, City resident, spoke in opposition to the proposed tax rate. She encouraged the City Council to approve the “no new revenue tax rate” and hold off on all projects proposed in the proposed budget.

James McDonald, City resident, spoke in opposition to the proposed tax rate. He reviewed the City’s ten years of tax rates and budgets, the population, and the Federal budget.

Heath Bell, City resident, spoke in opposition to the proposed tax rate. He reviewed the need to cut costs and the effects this could have on the City Council.

Tonya Benson, City resident, spoke in opposition to the proposed tax rate. She encouraged the City Council to cut the budget.

Robert Phoenix, County resident, spoke in opposition to the proposed tax rate. He also spoke about annexations, new subdivisions, and homes adding to the tax base.

Jeannette Hormuth, City resident, spoke in opposition to the proposed tax rate. She encouraged the City Council to cut the budget by 5% and adopt the “no new revenue tax rate.”

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O’Neill, to close the public hearing and go into the Regular Meeting at 6:42 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

4. ANNOUNCEMENTS

Kent Myers, City Manager, announced the City Council will vote on the 2021 Tax Rate and the Fiscal Year 2022 City Budget - Monday, September 20, 2021, at 6 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

5. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to adjourn the Regular Meeting at 6:44 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING SEPTEMBER 20, 2021

The City of Fredericksburg City Council held their regular session on Monday, September 20, 2021 at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Lynn Bizzell, Fire Chief
Eric Whiting, Information Technology Director
Andrea Schmidt, Parks and Recreation Director
Jason Lutz, Development Services Director
Laura Hollenbeck, Finance Director
Rebekka Goff, Administrative Assistant/Receptionist
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, September 20, 2021.

2. INVOCATION

Rev. Rob Holster, Hill Country Church held the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge of Allegiance.

4. PROCLAMATION

A. Constitution Week

Mayor Kiehne read the Proclamation and proclaimed September 17-23, 2021, as Constitution Week.

Susie Quinn, DAR member, spoke regarding the membership, events and encouraged all eligible to join.

B. Hill Country Night Sky Month

Mayor Kiehne read the Proclamation and proclaimed October as Hill Country Night Sky Month.

5. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, shared positive comments regarding Jason Lutz, Development Service Director, for his presentation at the STR Work Session.

6. PUBLIC COMMENTS

Jeff Morin, City resident, spoke regarding 9. B. and would like to have an appeals process included in Ordinance.

Walter Moldenhauer, City resident, read a letter regarding the Fort Martin Scott negotiations process.

Tom Marschall, City resident, spoke regarding the Property Tax Rate and the Resolution presented to the City Council several months ago regarding businesses.

Mary Lee Marschall, City resident, spoke regarding the need to lower property taxes.

Jerry McCorkle, the City resident, spoke regarding high taxes. He also spoke regarding revenue, expenditures, and overages.

Debra Holbecker, City resident, spoke regarding the City budget and large expenditures. She also encouraged the City Council to approve the “no new revenue” tax rate.

Angela Pirch, County resident, spoke regarding residents are not participating in budget and tax rate hearings.

Eric Hammerson, City resident, spoke regarding the budget and what happens if the City Council does not approve the budget.

James McDonald, City resident, spoke regarding tax increases, affordable housing, and requested last year’s amended budget be adopted.

Kimberley Lams, City resident, spoke regarding the Property Tax Rate and COVID-19. She also provided a handout regarding vaccinations.

Jett Burns, County resident, spoke regarding the minutes not reflecting for or against an item. He also spoke regarding the Tax Rate.

Heath Bell, City resident, spoke regarding the Tax Rate. He encouraged the City Council to vote against the higher taxes and vote for the “no new revenue rate.”

Jeanette Hormuth, City resident, spoke regarding the Tax Rate. She encouraged the City Council to adopt a rate below the “no new revenue tax” (5%).

Tonya Benson, City resident, read the Bill of Rights. She also spoke regarding the Resolution presented to City Council, which she feels upholds residents’ rights.

Isla Roop, City resident, spoke regarding the injuries she received when she was in jail. She provided pictures of her injuries.

7. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

A. Consider approval of City Council Minutes (Shelley Goodwin, City Secretary)

i. August 16, 2021, Regular Meeting

ii. September 7, 2021, Regular Meeting

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve Consent Agenda items 6. A. i. and ii., with corrections. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. PUBLIC HEARING

A. Hold a public hearing to receive citizen comments for or against a request by Jacob Grant to consider a voluntary annexation and requested zoning for "Single-Family Residential – Small Lot" (R-1A) for approximately 6.32 acres of land out of Outlot 97, Outlot 96, an unnumbered Outlot, and Block v of the German Emigration Company Environs Map, located at 651 Post Oak Road (Jason Lutz, Development Services Director).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Meeting into the public hearing at 6:48 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No public comments were made during the public hearing.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of the public hearing and into the Regular Meeting at 6:49 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2021-23 annexing approximately 6.320 acres of land out of Outlot 97, Outlot 96, an unnumbered Outlot, and Block V as shown on the map of Fredericksburg and Environs by the German Emigration Company in Gillespie County, Texas, located along Post Oak Road to the north of the intersection of Post Oak Road and West Live Oak Street; extending the corporate limits of the City, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City; and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-1-A: Single Family Residential-Small Lot. (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, stated the property owner has requested voluntary annexation of approximately 6 acres of land to construct a single-family subdivision. He reviewed the location and zoning.

The City Council discussed the lot size and possible reduction of the cost of a lot. They also discussed the locations of the current R-1A subdivisions -The Beginning.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-23 annexing approximately 6.320 acres of land out of Outlot 97, Outlot 96, an unnumbered Outlot, and Block V as shown on the map of Fredericksburg and Environs by the German Emigration Company in Gillespie County, Texas, located along Post Oak Road to the north of the intersection of Post Oak Road and West Live Oak Street; extending the corporate limits of the City, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City; and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-1-A: Single Family Residential-Small Lot The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Ordinance 2021-19 amending Chapter 2 - Administration - of the Code of Ordinances, by adopting and adding an Article VII - Administrative Adjudication of Violations - providing for a Civil Administrative hearing process for violations of Ordinances described in Texas Local Government Code Section 54.032 (2nd reading) (Daniel Jones, City Attorney)

Daniel Jones, City Attorney, reviewed the history of the Civil Administrative process for violations of City Ordinances and noted the changes made at the request of the City Council.

Kent Myers, City Manager, reviewed the process for the appeal process.

The City Council discussed the appeal process, the notification process, and the burden of proof.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Luckenbach, to approve Ordinance 2021-19 amending Chapter 2 - Administration - of the Code of Ordinances, by adopting and adding an Article VII - Administrative Adjudication of Violations - providing for a Civil Administrative hearing process for violations of Ordinances described in Texas Local Government Code Section 54.0. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of Ordinance 2021-20 adopting the City Budget for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, and making appropriations for each department and account (1st of two readings; City Council may waive 2nd reading) (Laura Hollenbeak, Finance Director).

Laura Hollenbeak, Finance Director, reviewed the process used to develop the FY2022 City Budget. She also reviewed the FY2022 Budget Summary and expenditures.

Daniel Jones, City Attorney, reviewed the process for adopting the Budget and Tax Rate. He explained that if the City Council approves a tax rate that raises more funds, they will need to revise the budget.

Kent Myers, City Manager, reviewed the meetings held and the process used to develop the budget. He reviewed the impact fees, American Rescue Fund, and bonds. He also reviewed the City Council's priorities and the recent requests.

The City Council discussed the salary study and the City's effects if they have to use part of the 3-month reserves.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Ordinance 2021-20 adopting the City Budget for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, and making appropriations for each department and account; waive 2nd reading. The City Council held a roll call vote:

Councilmember Luckenbach	aye
Councilmember Watson	aye
Councilmember O'Neill	aye
Councilmember Musselman	aye
Mayor Kiehne	aye

Roll Call vote was five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Ordinance 2021-21 setting the Tax Levy for the Taxable Year 2021; and providing an effective date (1st of two readings; City Council may waive 2nd reading) (Laura Hollenbeak, Finance Director).

Laura Hollenbeak, Finance Director, reviewed the process used to develop the 2021 Tax Rate. She also reviewed several different Tax Rate Scenarios.

Kent Myers, City Manager, stated that after reviewing the budget and looking closer at the Sales Tax revenues and the staff feels comfortable recommending the "no new revenue rate." He also noted that your taxes could go up due to your values no matter what rate is set.

The City Council reviewed the process used to develop a tax rate. They also discussed the tax rate projects that will allow them to complete in the FY 2022 Budget. .

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adopt a \$0.168029 on a one-hundred dollar (\$100.00) valuation of all taxable property in the City for the purposes of maintenance and operations; and \$0.027794 on a one-hundred dollar (\$100.00) valuation of all taxable property in the City for the payment of principal and interest on the debt of the City, for a, \$0.195823 total tax rate for one-hundred dollar (\$100.00) valuation of all taxable property in the City, waive 2nd reading (Ordinance 2021-21). The City Council held a roll call vote:

Councilmember Watson	aye
Councilmember O'Neill	nay
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Mayor Kiehne	aye

Roll Call vote was four (4) for, and one (1) opposed. The motion carried.

E. Consider the approval of Ordinance 2021-24 amending Article 24.000 of Appendix A -“ Fee Schedule, of the Code of Ordinances, to update and amend the use fees for pool party use of Lady Bird Johnson Park Pool and Town Pool, use of the Recreational Vehicle Sewer System Dump at Lady Bird Johnson Municipal Park, and use of the open-air pavilions at Lady Bird Johnson Municipal Park. (1st of two readings; City Council may waive 2nd reading) (Andrea Schmidt, Parks and Recreation Director).

Katelyn Brazell, Parks & Recreation Superintendent, reviewed the proposed Parks Fees.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-24 amending Article 24.000 of Appendix A -“ Fee Schedule, of the Code of Ordinances, to update and amend the use fees for pool party use of Lady Bird Johnson Park Pool and Town Pool, use of the Recreational Vehicle Sewer System Dump at Lady Bird Johnson

Municipal Park, and use of the open-air pavilions at Lady Bird Johnson Municipal Park, waive 2nd rating. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider the approval of Ordinance 2021-22 amending Article 11.702 - Electric Rates, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the Fees for Electric Service provided by the City (1st of two readings; City Council may waive 2nd reading) (Laura Hollenbeak, Finance Director).

Laura Hollenbeak, Finance Director, stated the last electric rate increase occurred in 2015. She reviewed the need for the increase in the Electric Rate.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve Ordinance 2021-22 amending Article 11.702 - Electric Rates, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the Fees for Electric Service provided by the City, waive 2nd rating. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

G. Consider the approval of Resolution 2021-10R authorizing the removal of delinquent Personal Property Accounts from the Tax Roll (Kent Myers, City Manager).

Scott Fair, GCAD, reviewed the Tax Code process and a list of delinquent taxpayers.

The City Council reviewed the process used to try and collect back property taxes.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve Resolution 2021-10R authorizing the removal of delinquent Personal Property Accounts from the Tax Roll. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

10. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Voluntary Annexation Agreement for approximately 10.839 acres of land to construct a single-family subdivision of Stone Ridge Unit 11 (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, reviewed the history of the property and the proposed agreement.

Mayor Kiehne announced that he has filed a Conflict Affidavit and will be abstaining from the vote of this agreement.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve a Voluntary Annexation Agreement for approximately 10.839 acres of land to construct a single-family subdivision of Stone Ridge Unit 11. The City Council voted four (4) for, and none (0) opposed, and one (1) abstained (Mayor Kiehne). The motion carried.

11. CITY MANAGER REPORT

A. STR Regulations

Kent Myers, City Manager, stated the City Council STR Work Session has been set for Monday, October 11, 2021, and will begin at 6 p.m. in the HEB Room at the University Center.

B. COVID Update

Kent Myers, City Manager, provided the following COVID Update:

- 118 active and 2 cases at City Hall
- Five positive cases in Hill Country Memorial Hospital

- Hill Country Memorial Hospital has 298 tested with 54 positive cases
- The City has tested 82 tested and 8 positive cases
- FISD currently has 30 positive cases

C. Housing Coordinator

Kent Myers, City Manager, reported that the original commitment was for the City and the County to give \$25,000 each and the business community to raise the remainder of the funds. He announced that the business community has raised over their amount (\$53,000). He also noted Tim Lehmberg, EDC, is now accepting applications for this position.

D. American Rescue Plan Funds

Kent Myers, City Manager, reported that the City will receive \$2.8 million and has already received \$1.4 million. He noted that the funding would be used for broadband, Municipal Court and generators for the Water Department. At the direction of the City Council, some funding for non-profits organizations has been earmarked. The staff is currently working on an RFP process for local non-profits to use.

12. ITEMS FOR FUTURE AGENDA

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

13. COUNCIL COMMENTS

Councilmember O'Neill spoke regarding the Resolution mentioned during Citizen Comment regarding eliminating the City from creating Orders during this pandemic. She stated she feels the vaccine would also protect the residents and businesses.

Councilmember Musselman spoke regarding Moderna Vaccine Boost is available at Value Med.

Councilmember Luckenbach spoke regarding the following:

Market Square Redevelopment Commission

- Funding for Phase I and II has been reached.
- The Parks Department is trying to get the playground ready for Oktoberfest.
- A private donor pledged an additional \$30,000 to their previous \$250,000 pledge, so the meeting room in Phase II can be named after John Klein.

Commissioner's Court

- A discussion was held regarding holding a special election in May.
- HOT funding approvals
- AED equipment was purchased for Sheriff Officers' vehicles
- The Municipal Judge requested the use of the County Courtroom. The County Commissioners are considering, but there could be a charge.
- October 9, 2021, is Airport Day; the event will take place from 10 a.m.-2 p.m.

Councilmember Watson provided an update from the Airport Commission:

- T Hanger's capacity is at 100%, and several are on the waitlist.
- The Airport is experiencing a record in fuel sales.
- December 21, 2021, Santa will fly into the Airport and be there from 1 p.m.-3 p.m.

Mayor Kiehne reported he attended an event where Ken Cordier spoke about his experience as a 6-year American prisoner of war in North Vietnam.

14. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation Regarding Real Property):

- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. Adams Street at San Antonio Street, in the City of Fredericksburg, Texas (Section 551.072)**

Motion: A motion was made by Councilmember Luckenbach , seconded by Councilmember Watson, to go out of Regular Meeting into Executive Session at 8:33p.m. The City Council voted five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Executive Session into the Regular Meeting at 8:55p.m. The City Council voted five (5) for, and none (0) opposed.

15. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in Executive Session, as necessary.

No actions were taken following this Executive Session.

16. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adjourn the Tuesday, September 7, 2021, City Council Regular Meeting at 8:56 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: September 24, 2021

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Approval for Light the Night Christmas Parade

Summary:

Staff is asking for City Council approval to hold the Light the Night Christmas Parade produced by the Fredericksburg Chamber of Commerce for 2021 as currently there is no fee schedule associated with hosting a parade within City limits.

Recommendation:

City council should consider adoption of a motion to host the Light the Night Christmas Parade on Friday, December 3, 2021, at 6:30 p.m. on Main Street.

Background / Analysis:

The parade's health and safety plan has been approved by the special events committee.

Attachments:

2021 Light the Night Health and Safety Plan & Special Event Application

Department Approval

City Manager Approval

The City of Fredericksburg

A handwritten signature in black ink, appearing to be "D. D.", written over a horizontal line.

City Attorney Approval

The City of Fredericksburg

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

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City of Fredericksburg: Health & Safety Plan for Special Events

Health & Safety Plans are submitted to through the special events application for review and approval before a special event permit is issued. Plans should include the entire nature and scope of your event. **Items #1-7 below are required to be included or addressed in every health & safety plan submitted.**

You can also review recommendations from the Center for Disease Control (CDC) here:

[Considerations for Events and Gatherings | CDC](#)

1. Event Details

- a. Are you a not-for-profit or for-profit event? **Non-Profit**
- b. Event Name **Light The Night Christmas Parade**
- c. What type of event? (for example, is it a fun run, race, music festival, church service, art show, etc.) **Illuminated night parade**
- d. Date of event **Friday, December 3, 2021**
- e. Location of event – please be specific (for example: Adelsverein Halle and the catering kitchen at Marktplatz); if the event includes private property, please include that information too (for example, Bethany Lutheran Church grass lot on the corner of Crockett/Austin streets) **Staging Area – Both sides of Nimitz Parkway, Crockett Street (between Main and San Antonio), San Antonio Street (between Adams and Milam)**
Parade Route – Main Street (between Washington and Bowie)
AfterGlow Activities – Marktplatz, including Adelsverein Halle, Oktoberfest Halle, Kitchen, grassy area adjacent to Christmas tree and portions of front brick sidewalks
Reserved Bleacher Seating – lawn in front of Pioneer Memorial Library
****Based on COVID infections closer to the parade date, a final decision will be made regarding the reserved bleacher seating and group activities following the parade.**
Vendor/Volunteer Parking – Bethany Church lot at corner of Austin and Crockett Streets.
Storage/Potable Water Access – Kitchen at Marktplatz
Santa Photos – Adelsverein Halle
Food Vendors – Brick sidewalks on front side of Marktplatz
- f. Estimated attendance including all staff, employees, volunteers, and participants.
Historical number is approximately 15,000. We anticipate somewhat lower attendance depending on COVID metrics at the time.
- g. Is this event fenced or gated? **No**
- h. Name of event organizer and contact information (address, phone, and email)
Fredericksburg Chamber of Commerce
Penny C. McBride, President & CEO
830.997.5000 office, 830.456.3829 cell
penny@fbgtxchamber.org

2. Face Coverings/Masks

- a. Describe your plan for face coverings/masks at the event (who must wear a mask, when must they wear a mask, where must they wear a mask) **Based on current orders from the Office of the Governor, masks will be encouraged, but not required. Supplies of face masks and hand sanitizer will be available in the staging area and reserved bleacher seating and for volunteers and guests.**

3. Temperature Checks

- a. Describe your plan for temperature checks at the event (who, when, where). Describe the threshold for temperature and what will happen if someone exceeds that threshold. If no temperature checks, please indicate that in your plan. **Advance communication, to**

City of Fredericksburg: Health & Safety Plan for Special Events

parade entrants, volunteers and attendees, will include language urging them to stay home if they have a fever exceeding 100 degrees or other commonly-known COVID symptoms. Temperature screening will not be performed at the event.

4. Personal Protective Equipment (PPE)

- a. Describe what PPE will be available at the event for staff, employees, volunteers and participants, etc. and where it will be located. **Masks and hand-sanitizer will be available in the parade staging area and reserved bleacher seating area.**

5. Signage & Announcements

- a. Describe what signage will be posted at the event regarding health & safety protocols. **Safety language will appear as part of the online parade entry form, Parade Entry Rules & Safety Standards that all entrants must acknowledge reading and in final confirmation emails to all entrants. Signage encouraging standard COVID safety precautions will appear at guest check-in for reserved bleacher seating.**
- b. Describe what announcements will be made at the event regarding health & safety protocols. **A public address system will be located on Marktplatz, which can be heard on both sides of 100 Block of West Main, including the reserved bleacher seats. Announcements will be made that encourage mask wearing, social distancing and hygiene measures.**

6. Event Promotion/Event Information

- a. Provide your website & social media site addresses. Have you posted your health & safety protocols on your website and social media sites? How will you disseminate information to all attendees regarding the event health & safety protocols?
**Website – www.fredericksburg-texas.com
Facebook – www.facebook.com/fredericksburgchamberofcommercetexas
As the event nears and the parade entry application and reserved bleacher seating sales portals open, all relevant health and safety information will be added to all digital channels.**
- b. Pricing: if the event requires registration or a ticket purchase, are you already allowing participants to register or purchase tickets? Please include a listing of the pricing for the event. Or is this event free to the general public? **There are no parade entry fees charged and seating along the parade route is free. Reserved bleacher seating is available with tickets purchased in advance at a cost of \$18 per seat.**
- c. If your event requires a ticket to enter or the transfer of funds for registration, will you offer contactless payment & ticket options? **Yes, tickets are sold online and purchasers are required to print their own ticket.**
- d. Do you have a refund policy? If so, please include a copy of the policy. **In the case of a weather-related cancellation, reserved bleacher tickets will be honored on the back-up date one week later. In the event of a COVID cancellation, tickets will be either refunded or honored the following year, as per guest request.**
- e. Will you limit capacity at the event? **No.**

7. Event Layout/Map and Street Closures

- a. Provide a layout or event map/aerial and mark the locations of each event component.
- b. Is there a street closure associated with this event? If so, please include the official street closure form found on page 9 of the special event application. **Please see both attached.**

8. Event Components

Items below should be addressed in your plan with health & safety protocols if they are included

City of Fredericksburg: Health & Safety Plan for Special Events

in your event scope. List out each event component and provide a description as to the health & safety protocols your event will follow. Please note that this list is not all-inclusive, and you should add additional components as required.

- a. **Food & Beverage: please note that your plan should not include any bulk condiments or self-service items.**
 1. Describe the types of food & beverage vendors (i.e., food or beverage trucks/trailers, booths, cook-off tents, food plate fundraiser or serving lines, etc.). **Food truck/trailer**
 2. Describe what types of payment options you are using for vendors, food tickets, cash, contactless?
 3. Will food be prepared and cooked on-site? Pre-packaged items only?
 4. Are you allowing food or beverage samples? **No**
 5. Is food being given away for free or must individuals purchase on their own? **Only food for purchase.**
 6. How will lines be spaced to allow for social distancing?
- b. **Entrance/Exit Areas: address social distancing, temperature checks, cashless payment options, cleaning & sanitation, etc. N/A**
 1. Bag Check
 2. Entrance Lines
 3. Exits/Emergency Exits for fenced events
 4. Ticket, Welcome or Registration Booth(s)
 5. Staff/Vendor/Volunteer Check-in
 6. Ticket Machines or Kiosks
- c. **Booths & Displays: how will booths be spaced; how will lines for the booths be queued, how will equipment be cleaned & sanitized; will hand sanitizer be made available? Following the parade there will be an area for free Santa photos, depending on COVID metrics at the time. There will be ropes and stanchions to guide guests and volunteers on-hand to manage the line and encourage social distancing. Hand-sanitizer will also be available.**
 1. Art Exhibition/Sale
 2. Craft Show/Sale
 3. First Aid Station
 4. Interactive Marketing Display
 5. Merchandise/Souvenir Sales
 6. Specialty/Retail Booths
 7. Sponsors
 8. Static Car Display
 9. Sick Person Isolation Area
- d. **Entertainment & Activities: are you able to make announcements and reminders using the sound system? What types of entertainment or activities does your event offer? Remember to include any health & safety protocols the entertainment and activities will be required to follow. N/A**
 1. Church Service
 2. Concert, Live Music or DJ
 3. Contest or Tournament
 4. Dance: how will you maintain social distancing on the dance floor?
 5. Education Demonstration (i.e., cooking demo)
 6. Egg Hunt

City of Fredericksburg: Health & Safety Plan for Special Events

7. Ice Skating Rink
 8. Live Auction
 9. Live Entertainment Show
 10. Living History Re-Enactors
 11. Mascot or Costumed Character/Photos with Mascot or Character
 12. Silent Auction
 13. Strolling Entertainment
 14. Other:
- e. **Amusements/Carnival/Kid Zone: Include any health & safety protocols that will be required of the items below. N/A**
1. Caricature Artist or Face Painter
 2. Crafts
 3. Games
 4. Moonwalks/Inflatables
 5. Petting Zoo/Animals
 6. Rides
 7. Ticket Booths/Kiosks
 8. Trackless Train
 9. Other:
- f. **Ceremonies, Awards and Trainings: Include any health & safety protocols that will be required of the items below. N/A**
1. Award ceremony
 2. Banquet or reception
 3. Closing ceremony
 4. Training Event for employees, staff and/or volunteers (pre-event)
 5. Opening ceremony
 6. Ribbon Cutting
 7. Tree Lighting
 8. Other:
- g. **Equipment: Cleaning and Sanitation, how often will items be cleaned/serviced and sanitized? How will you ensure the cleaning and sanitation is done (i.e., logs)? N/A**
1. ATMs
 2. Chairs
 3. Trash Receptacles and Recycling Bins
 4. Photo Booth
 5. Tables/Table covers
 6. Other:
- h. **Restrooms & Hand-Wash Stations/Hand Sanitizer**
1. Use of on-site restrooms at your event location; will you allow participants to use the on-site restrooms at your event location? Will you limit occupancy inside the restrooms? Will you clean the restrooms during the event? How will you maintain distancing when lines form?
Reminder signage will be placed on the doors of on-site restrooms to encourage social distancing. Given the relatively short duration of the event, additional cleaning/sanitizing is not needed.
 2. Portable Restrooms: How many? Location? Will you clean the restrooms during the event? How will you maintain distancing when lines form?

City of Fredericksburg: Health & Safety Plan for Special Events

Guests will have access to the public restrooms at the Visitor Information Center and Marktplatz. Two additional portable restroom units, plus a hand-washing station will be placed on Marktplatz, two more plus a handwashing station at the reserved bleacher seating and one more along the parade staging area. We have not experienced restroom lines in past years due to the short duration of the event.

3. Hand Wash Stations; How many? Location? How will you maintain distancing when lines form? **See above.**
4. Other:

i. Races, Walks & Runs **N/A**

1. Registration; will registration be on-site or online only? If on-site, what health & safety protocols will be followed?
2. Packet Pick-Up: will packets be mailed in advance of the event or available in advance or the day of the event? If on-site, what health & safety protocols will be followed?
3. Starting line; how will you ensure social distancing?
4. Staggered starting times: describe the start times of each race, the intervals at which participants will be allowed to leave the start line, (i.e., every two minutes) and how many people will be allowed at the starting line at a time.
5. Water/Rest Stations on route; will you have water or rest stations along the route? Will they be manned or unmanned to limit contact?
6. Finish Line: include the finish line location on your event layout/map. If the finish line is also the start line, how do you keep distance between the starters and finishers?
7. Route(s): Your plan should include copies of all routes.
8. Spectator viewing area: describe how you will encourage social distancing from spectators.
9. Pre or Post Race Party or Awards Celebration: will you have a pre- or post-race party or awards ceremony or celebration? If yes, address health & safety protocols.

j. Parades & Processions

1. How will you ensure social distancing on the route and in the staging areas? **Since the route is on Main Street, we will have to rely on attendees to self-monitor and choose their location to view the parade. In the staging area, we will space entries more than 6' apart and remind attendees through the application process of the importance of social distancing.**
2. Include a map of the route that includes staging area, route, spectator viewing and route end. **See attached.**
3. If there are any stopping points on the route, how will you ensure social distancing? **There are no designated stopping points along the route.**

k. Parking/Transportation **N/A**

1. Will your event provide shuttle service? If so, what protocols will be put in place for the transportation vehicles? Limited capacity? Masks required? How often will the vehicle be sanitized?

l. Other items not included: describe any event components that are not included in Section 8, Items a-l, above.

City of Fredericksburg: Health & Safety Plan for Special Events

**For Questions, please contact Jennifer Krupa, Special Events Coordinator
(830) 990-2044 direct**

jkrupa@fbgtx.org or speialevents@fbgtx.org



City of Fredericksburg Parks & Recreation Department Special Event Application

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

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

APPLICANT INFORMATION

Name of Organization/Business: Fredericksburg Chamber of Commerce

Applicant Name/Event Organizer: Penny C. McBride, President & CEO

Address: 306 E. Austin Street

City: Fredericksburg

State: TX

Zip: 78624

Primary phone: (830) 997-5000

Secondary phone: (830) 456-3829

Email address: penny@fbgtxchamber.org

Event Promoter Name: Penny C. McBride

Primary phone: (830) 456-3829

Organization/Business Type: ☐ FOR-PROFIT; Event proceeds go to:

☒ *NON-PROFIT *attach proof

☐ INDIVIDUAL

EVENT INFORMATION & LOCATION

Official Event Name: Light The Night Christmas Parade

Event date(s): Friday, December 3, 2021

Event History: Is this a first-time event? ☐ YES ☒ NO

Estimated attendance: 15,000

Is the event open to the general public? ☒ YES ☐ NO

Date application submitted: 9-10-21

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

*MARKTPLATZ

Please check all that apply:

*Excludes City Hall/Fire Station, Annex,
Police Substation & Vereins Kirche

Address: 100 West Main Street,
Fredericksburg, TX 78624

☐ Entire Square: \$2,400/week

☐ Kinder Halle: \$150

☒ Oktoberfest Halle: \$150

☒ Adelsverein Halle: \$250

☐ Fest Room: \$50

☒ Kitchen: \$50

☐ Entire Square additional day:
\$650 each; ___ # of days

☐ Banner Hanging Fee: \$25
(optional; at front of Marktplatz for
24 hours)

PCM INITIAL (required): I have read Marktplatz Use
Regulations on pages 16-18 of the Special Events
Planning Guide.

*LADY BIRD JOHNSON MUNICIPAL PARK (LBJMP)

Please check all that apply:

*Excludes Park Headquarters Building, swimming pools, RV Park,
campsites, dog park, nature trail, tennis court and golf course. Access
to such areas may be closed or restricted for events and in the
discretion of the PARD.

☐ **Pioneer Pavilion; \$625 for 4 days
(Thursday-Sunday only)

☐ Tatsch House: Fri/Sat/Sun, December & holidays: \$200

☐ Entire Park: \$1,600 per week; ___ # of add-on days:
\$650/day

☐ Tatsch House: weekday (Monday-Thursday): \$150

☐ Cooler inside Pioneer Pavilion: no fee; non-perishable
items only

INITIAL (required): I have read LBJMP Use Regulations on
pages 19 & 20 of the Special Events Planning Guide.

Outdoor Pavilions: ☐ Pav. #1: \$40 ☐ Pav. #2: \$40 ☐ Pav. #3: \$45 ☐ Pav. #4: \$45 ☐ Pav. #5: \$60

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

EVENT INFORMATION CONTINUED

OTHER PROPERTY

Please check all that apply:

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

Attach more sheets if needed for information below:

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

Move-in/Set-up Date: December 3 Times: Start: 7 a.m. End: 10 p.m.

Indicate dates/times OPEN to attendees:

Event Date: December 3 Times: Start: 3 p.m. End: 9 p.m.
 Event Date #2: _____ Times: Start: _____ End: _____
 Event Date #3: _____ Times: Start: _____ End: _____

Move-Out & Strike (final day):

Move-Out/Strike Date: December 3 Times: Start: 9 p.m. End: 10 p.m.

Event day "on-site" Contact Name: Penny C. McBride Phone: (830) 456-3829

Event website: www.fredericksburg-texas.com

Event information hotline: (830) 997-5000

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



YES



NO

Admission will be made by: ☒ Pre-sold ticket ☐ Free ☐ Pre-registration ☐ On-site sale/registration

Other (please specify): Reserved bleachers seating will be sold, seating along the rest of the route is free and post-event activities are free.

EVENT COMPONENTS

Please check all that apply:

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

☐ Other (please list): _____

Event Size: 15K Estimated max. attendance at one time 25 # of Art/Craft Vendors
40 # of Staff/Volunteers expected 6 # of Food/Beverage Vendors

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

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

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

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

When & how will the markings be removed? _____

EVENT COMMUNICATION & SECURITY

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

Event Management (internal): cell phone, walkie talkie

Public Address (external): PA system located at Marktplatz

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

What security/law enforcement agency have you hired for your event? currently accepting bids - will confirm when selected

Contact name: _____ Phone: () _____

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

*If yes, who did you speak with? _____

EQUIPMENT, ACTIVITIES & AMUSEMENTS

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

☒ **Generators;** list quantity: 1 and size(s): 2000 watt - used on Chamber's Santa float only for lights & music

☒ **Canopies/Tents larger than 200 sq. ft.;** quantity: 1 and size(s): 20' x 20' (for CBS Austin if inclement weather)

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

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

Other (describe): _____

☐ **Stage;** quantity: _____

Please check all that apply:

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

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

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

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

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

UTILITIES, RESTROOMS & HAND WASHING STATIONS

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

*If yes, what will electricity be used for? Food vendors

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

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

*If yes, what will water be used for? Food vendors

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

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

6 # of **regular portable restrooms** 2 # of **ADA portable restrooms** 2 # of **hand-washing stations**

*Equipment will be delivered on: December 3 at 9 a.m. (enter time)

Equipment will be picked up on: December 4 at in morning (enter time)

Sanitation company name: Hill Country Pump & Septic Phone: (830) 889-9143

When will items be serviced and how often? Due to the short usage time, servicing will not be needed.

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

CLEAN UP/TRASH COLLECTING & RECYCLING

Contact name responsible for event clean-up: Volunteers & Stephen Itz Phone: (830) 889-5834
 Will a dumpster(s) be delivered? ☒ *YES; when? 9.3.21 ☐ NO
 What size dumpster(s)? 20 yard roll-off
 What provisions will be made for recycling? none
**Event organizer or representative must be present for delivery of equipment to ensure proper placement.*

FIRST AID & EMERGENCY VEHICLE ACCESS

Will your event have a first aid station on-site?

☒ *YES ☐ NO

*Company/Org. Name: Hill Country Memorial

Contact Name: Amanda Stevens

Phone: (830) 456-8565

Events will not be permitted without emergency vehicle access. This access must be available always and events are subject to permit revocation if emergency access lanes are not provided for.

Have you reviewed your layout to verify emergency vehicle access?

☒ YES; ☐ NO

FOOD & BEVERAGE:

Please check all that apply:

A list of approved food & beverage vendors including their name, address and contact number is required at least 10-days prior to your event date; please use the **Special Event Food & Beverage Vendor List form on page 8.*

☐ No food or beverage at event (skip to next section)

☐ Event will sell alcohol (including tips/donations).

Indicate type:

- ☐ Beer
☐ Wine/Champagne
☐ Liquor

Who will provide the alcohol?

☐ I need a landlord permission letter in order to obtain a TABC permit for alcohol sales.

☒ *Sale of food/beverages

☐ Event will distribute alcohol at no charge.

Indicate type:

- ☐ Beer
☐ Wine/Champagne
☐ Liquor

Who will provide the alcohol?

☐ *Distribution of food/beverages

☐ Event will not have alcohol.

Marktplatz events only: will your event need grey water disposal containers? ☐ *YES ☒ NO; Enter Qty. (1 or 2): 0

**The City owns two (2), 270-gallon containers. Placement of the grey water disposal containers is at the discretion of the Parks Department. Servicing of the grey water containers are the event organizer's responsibility. Containers must be emptied no later than two (2) days after the final event day.*

RACES, RUNS, & WALKS ONLY

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

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

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

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

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

Describe your route, including starting point and disbanding area:

Start: _____ (location)

Route: _____ (describe distances)

Disband: _____ (location)

PARADES ONLY

Complete this section if your event includes a parade.

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

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

Parade staging will begin at: ³ ☐ am / ☒ pm @ Nimitz Parkway, Crockett and W. San Antonio Streets (location)

Start: Intersection of Main and Crockett Streets (location)

Route: Westbound on Main from Crockett to Washington, U-turn at Washington, then eastbound on Main to Bowie (describe distances)

Disband: Staging area on Nimitz Parkway (location)

Estimated number of entries/floats: 100 Will your parade allow animals? ☒ *YES ☐ NO; if yes, what type? horses

*How will you clean-up animal waste? Require animal entries to have clean-up plan.

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

SIGNATURE & INDEMNITY AGREEMENT

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

PCM: B
Signature of Applicant

9.7.21
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.

PCM: B
Signature of Applicant

9.7.21
Date

ADDITIONAL NOTES ABOUT YOUR EVENT (type below):

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

For City of Fredericksburg Use Only:

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

Signature of City Manager or Designated Representative

Date

Additional comments: _____

FOOD & BEVERAGE FORM; PAGE 8



SPECIAL EVENT FOOD & BEVERAGE VENDOR LIST

Complete this form if there will be food and/or beverage vendors at your event, whether they are selling, distributing or giving food and beverages away.

Event organizers must check the requirements for sale/distribution of food & beverages with the Gillespie County Health Division and organizers or their vendors are required to obtain any necessary permits. Each vendor must be in compliance with current City health & fire regulations and have a GCHD permit displayed.

Return form to: specialevents@fbgtx.org

Please add additional sheets if necessary.

Event Name:	Light The Night Christmas Parade & AfterGlow
Event Date:	Friday, December 3, 2021

Business Name	Contact Name	Email	Phone	Current Gillespie County Health Division Permit on file (Y/N)?
Conchita's Mexican Fusion	Theresa Womack	conchitasonmain@gmail.com	830- 928-1403	Yes
Others to be provided as secured				Yes
				Yes
				Yes
				Yes
				Yes
				Yes

SPECIAL EVENTS STREET CLOSURE REQUEST



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

Event Name:	Light The Night Christmas Parade & AfterGlow
Event Date(s):	Friday, December 3, 2021
Contact Name:	Penny C. McBride / Sammy Segner
Contact Phone:	(830) 456-3829 (McBride) 830-456-6897 (Segner)

Closure Area:

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

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

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

Entire street closure of Main between Washington & Bowie and affected cross streets, parking lane closure on portions of 100

block of W Main for TV Station and Bleacher viewing, parking lane closure of west side of Adams Street for dumpster.

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Main Street (entire street)	Washington	Bowie	Friday, 12/3	6:30 PM	Friday, 12/3	8 PM
Nimitz Parkway (entire street)	Adams	Crockett	Friday, 12/3	Noon	Friday, 12/3	9 PM
Crockett Street (entire street)	San Antonio	Main	Friday, 12/3	3 PM	Friday, 12/3	8:30 PM
San Antonio St. (entire street)	Adams	Milam	Friday, 12/3	4 PM	Friday, 12/3	7 PM
Adams Street (W side Parking)	Main	Austin	Friday, 12/3	8 AM	Friday, 12/3	10 PM

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

Date notice provided: Scheduled to mail on 11/15/21

Printed Name: Penny C. McBride

Date: 9.3.21

Signature:

Date: 9.3.21

Street Department: _____

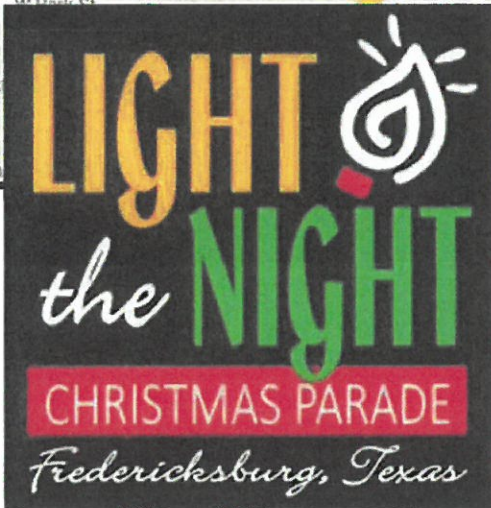
Date: _____

Police Department: _____

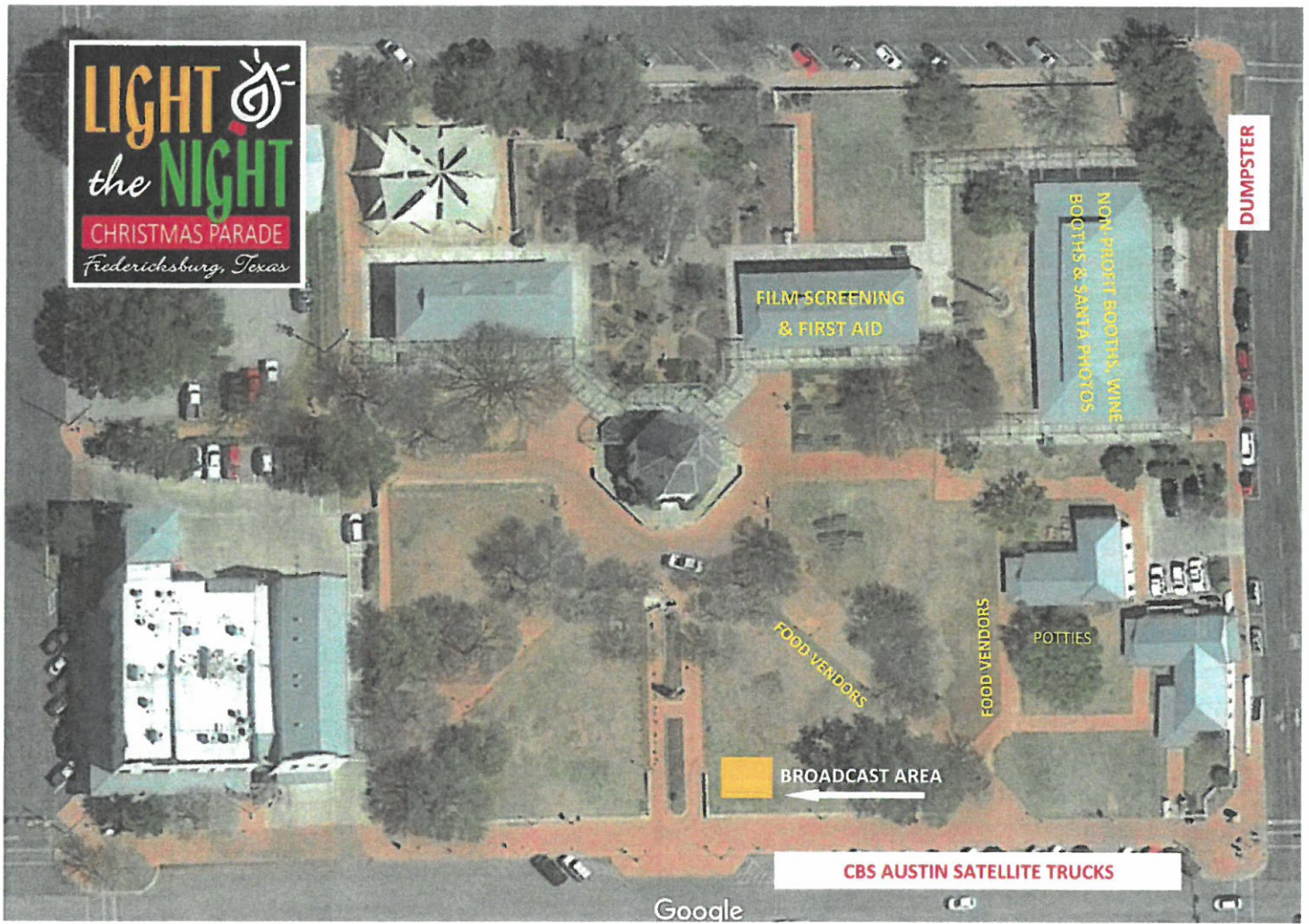
Date: _____

Parks Department: _____

Date: _____

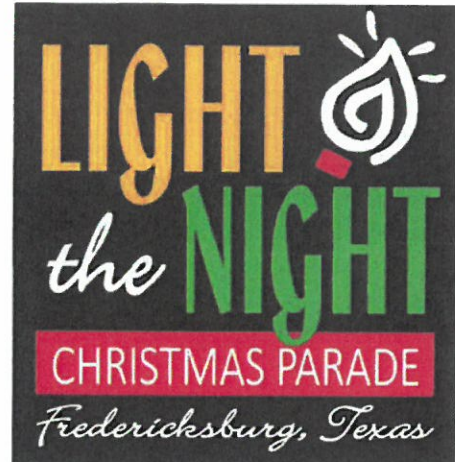


The Light The Night Christmas Parade begins at the intersection of Crockett and Main, traveling eastbound along Main Street to Washington Street, then U-turning to travel westbound along Main Street to Bowie Street. With exception of the reserved bleacher area, seating along the route is free.



TO BE MAILED
11.15.21

PARADE NOTIFICATION



The Light The Night Christmas Parade, a 25+ year tradition of the Fredericksburg Chamber of Commerce, will be held on Friday, December 3, beginning at 6:30 p.m. We are sending you this notice as a courtesy since your business or residence is located along the parade route. In the event of a weather-related cancellation, the parade will take place on Friday, December 10.

The parade will launch from the intersection of Main and Crockett streets, first traveling east on Main to the Washington Street intersection, then making a u-turn to proceed west on Main until the parade end point at the Bowie Street intersection.

As in years past, Main Street will be closed to through traffic for the duration of the parade and the cross streets along the route will be blocked from crossing Main.

We appreciate your patience and support as we celebrate the beauty of the holiday season and the tremendous spirit of our community on this special evening. Following the parade, there will be local food and wine, arts and crafts and children's entertainment. There will be no admission charged.

For more information about the event, please visit www.fredericksburg-texas.com/lightthenightchristmasparade

Wishing you a blessed holiday season!



CITY COUNCIL MEMO

DATE: September 27, 2021

TO: City Council

FROM: Kelli Olfers

SUBJECT: Health Permit Fee Amendment

Summary:

The Gillespie County Health Division last assessment of permit fees was in 2013 – 8 years ago. An extensive study has been conducted to see what other health departments charge for their services, and in conclusion, the Gillespie County Health Division has been offering more services without an appropriate fee schedule to cover cost incurred.

Recommendation:

After discussion in the joint City/County meeting that was held on August 2, 2021, it was suggested to move forward with a fee increase in health permits. We also mentioned in this meeting that the time has come to implement new fees to help cover some of our cost towards establishment start-ups and review time.

Staff recommends adopting the proposed Health Dept Food Establishment Fees Ordinance.

Background / Analysis:

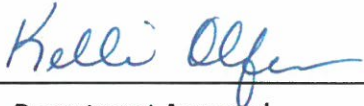
In the past, retail health permit fees were higher inside city limits, due to a state law that capped permit fees in unincorporated areas. Section 437.012 of the Texas Health and Safety Code was repealed and amended September 1, 2019, and no longer caps permit fees in the unincorporated area. Fixed retail health permit fees in the city limits are not proposed to increase this year so that county (outside

The City of Fredericksburg

incorporated area) fixed retail health permits can be raised to the same amount that city fixed retail health permits are currently being charged. This gives a more equitable way of accessing fees across the board in the future.

Attachments:

Please see attached documents with health permit fee comparisons to other health departments in our region.



Department Approval



City Manager Approval



City Attorney

The City of Fredericksburg

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

ORDINANCE NO. 2021-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE 25.000 - HEALTH DEPARTMENT FEES, OF APPENDIX A – FEE SCHEDULE, OF THE CODE OF ORDINANCES, TO UPDATE AND AMEND THE FEES FOR FOOD ESTABLISHMENT INSPECTIONS, PLAN REVIEW, AND PERMITS ISSUED BY THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That, Section 25.100 – *[Permits issued by the Health Department]*, of Appendix A - “Fee Schedule”, of the Code of Ordinances, is amended as follows:

Sec. 25.100. [Permits issued by the Health Department.]

The following fees shall be paid for permits issued by the Health Department:

- | | |
|--|-------------------------------|
| A. Institutional Food Service Establishment | \$100.00 per year |
| B. Fixed Retail Food Establishments and Food Service Establishments : | |
| 1. with 1 to 5 average annual employees | \$350 per year |
| 2. with 6 to 19 average annual employees | \$400 per year |
| 3. with 20 or more average annual employees | \$450 per year |
| 4. <u>Permit application fee (includes plan review) – all Fixed Retail Food Establishments</u> | <u>\$100</u> |
| C. Portable/ Mobile/Roadside Food Units Establishment | \$110-200 per year |
| D. <u>Farmer’s Market</u> | <u>\$110 per year</u> |
| E. <u>Temporary Food Service Establishment</u> | |
| 1. Temporary Food Service Establishments-
Per booth, per event. Good for 14 days
when application is made on or before
the tenth day before the event | \$50 per event |
| 2. 4. | Reserved. |

~~52.~~ Temporary Food Service Establishments- \$70 per event
Per booth, per event. Good for 14 days
when application is made on or before the
tenth day before the event

~~63.~~ Temporary food service establishments, \$~~110~~ 175 per
one year permit running from January 1 to
December 31, with no ~~prorations~~ proration
when application is made after the tenth
day before the event per year

~~74.~~ Temporary food service establishments, \$~~130~~ 195 per
one year permit running from January 1
to December 31, with no
~~prorations~~ proration when application is
made after the tenth day before the
event per year

F. HAACP Plan Review fee – review of Hazard \$ 100
Analysis Critical Control Point (“HAACP”)
plan, when necessary for specialized
processing methods – this fee is in addition
to all other fees set forth in this Sec. 25.100.

There shall be no refund of fees or proration.

(End of code text)

Section 2. That, Section 25.102 - *[Reinspections.]*, of Appendix A - “Fee Schedule”, of the Code of Ordinances, is amended as follows:

Sec. 25.102. [Reinspections.]

The fee for all reinspections is \$~~50.00~~ 100.00, except the first reinspection by the health officer which is required as a follow-up due to failure of an inspection or which is otherwise required by state law which will be performed at no charge. All reinspections requested by Food Establishment shall be paid for in advance. All other reinspections shall be paid for within 30 days following the reinspection. If not paid timely, a late fee of \$25.00 per calendar month, or portion thereof, shall be imposed and the Food Establishment shall have its permit revoked under the method provided in section 8-114 of this Code.

(End of code text)

Section 3. That, Section 25.103 - *[Issuance of copy of permit.]*, of Appendix A - "Fee Schedule", of the Code of Ordinances, is amended as follows:

Sec. 25.103. [Issuance of copy of permit.]

A fee of ~~\$5.00~~10.00 is hereby imposed for the issuance of any copy of a permit which has been issued pursuant to Article V. (Food Establishment Regulations) of Chapter 8 of the Code of Ordinances of the City of Fredericksburg. ~~this section. (Sec. 8-111 (e))~~

(End of code text)

Section 4. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 5. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective on and after the day of its passage.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Charlie Kiehne, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

Daniel D. Jones, City Attorney

Retail Health Permit Fee Comparisons

Note: Fees were last updated in October 2013

Section 437.012 of the Texas Health and Safety Code –repealed and amended effective Sept. 1, 2019 – no longer caps permit fees in unincorporated area.

City of Kerrville – based on square feet	\$70 to \$350 / per year
City of New Braunfels – based on # of employees	\$156 (1 to 3 employees) to \$781 (21 & above)
City of Boerne/Kendall County – based on gross annual income	\$125 (\$24,999) - \$600 (\$750,000 or more)
City of Austin – combination of risk & # of employees	\$359 - \$896
Travis County - combination of risk & # of employees	\$250 - \$300
City of Dripping Springs – based on # of employees	\$235 - \$435
City of San Marcos – based on # of employees	\$321 - \$799
City of San Antonio – based on # of employees	\$412 - \$1240.12
Other fees: too many to list	consultation fee: \$139.05
DSHS (STATE) – based on gross annual income	\$258 (\$0- \$49,999)
	\$515 (\$50,000 - \$149,999)
	\$773 (greater than \$150,000)

Current GCHD – based on # of employees

# of Employees	Fees Inside City Limits	Fees Outside City Limits
1 - 5	\$350.00	\$175.00
6 - 19	\$400.00	\$250.00
20 +	\$450.00	\$300.00

Proposed Fee Schedule: City & County Establishments being charged the same still based on # of employees

# of Employees	Fees Inside City Limits	Fees Outside City Limits
1 - 5	\$350.00	\$350.00
6 - 19	\$400.00	\$400.00
20 +	\$450.00	\$450.00

GCHD 2021 Health Permit Fee Comparisons

	Mobile Health Permits	Temporary Health Permits	Annual Temp Health Permit	Day Care Inspection Fee	Foster Home Inspection
City of Kerrville	\$225.00	\$45.00 (good 14 days)	\$225.00	\$40.00	\$40.00
City of New Braunfels	\$50.00	\$75.00 (good 10 days)	no annual offered	\$100.00	
City of Boerne/ Kendall County	\$150.00	\$25.00	no annual offered	\$125.00	\$50.00
City of Austin	\$212 - \$290	\$57 per day per booth	\$172 (14 days)	\$359.00	
Travis County	\$198 - \$273	\$98 (1-5 days)	\$145 (6-14 days)	\$250.00	
City of San Marcos	\$214.00	\$55.00 (good for 14 days)	\$108 seasonal permit	\$108.00	no fee
DSHS	\$258 / 2 years	\$52.00	\$200.00	exempted	
San Antonio Metro Health	\$309.00	\$32.96 / day	\$432.60 for 14 days	\$61.80 no food	\$61.80
City of Dripping Springs	\$175.00	\$30.00	\$150 seasonal permit		
GCHD (Current)	\$110.00	\$50.00	\$110.00	no fee	no fee
GCHD (Proposed)	\$200.00	\$50.00	\$175.00	no fee	no fee



CITY COUNCIL MEMO

DATE: September 29, 2021

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Settlement Agreement-Texas Opioid Abatement Fund

Summary:

The State of Texas, action thru the Office of the Attorney General, has entered into a settlement agreement that includes allocation of funds to local governments from recent litigation involving opioids.

Recommendation:

It is recommended that the City Council approve the attached resolution approving our participation in the settlement agreement regarding the distribution of funds between the State and local jurisdictions.

Background / Analysis:

Recently the Mayor, City Attorney and City Manager met with several representatives from the Attorney General's Office to discuss their settlement agreement with different companies that have been involved in the production and distribution of opioids. As discussed in the attached information, this agreement includes the distribution of some of the proceeds (15%) from the settlement to local jurisdictions. This distribution is estimated to be \$56,486 for the City of Fredericksburg.

Attachments:

The City of Fredericksburg

Resolution Approving Participation in Settlement Agreement
Term Sheet for Settlement Allocation



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

RESOLUTION 2021-11R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AUTHORIZING THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET.

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General and a negotiation group for Texas political subdivisions, entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet, approving the allocation of any and all opioid settlement funds within the State of Texas; and

WHEREAS, Special Counsel and the State of Texas have recommended that the City Council of the City of Fredericksburg support the adoption and approval the Texas Term Sheet in its entirety.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That the City Council hereby supports and adopts the allocation method for opioid settlement proceeds as set forth in the State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the "Texas Term Sheet"), attached hereto as Exhibit A, to permit collaboration between the State of Texas and political subdivisions to create an effective means of distributing any potential settlement funds between the State of Texas and political subdivisions.

Section 2. That the City Council hereby authorizes Kent Myers, in his official capacity as City Manager for the City of Fredericksburg, Texas, to execute the necessary Subdivision Settlement Participation Forms and other required documents, on behalf the City of Fredericksburg, Texas, related to participation in the settlement as set forth in the Texas Term Sheet.

Section 3. *Severability.* In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Section 4. *Effective Date.* This Resolution shall be effective upon its

passage.

PASSED AND APPROVED on this the ____ day of _____, 20_____.

Charlie Kiehne, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

**TEXAS OPIOID ABATEMENT FUND COUNCIL AND
SETTLEMENT ALLOCATION TERM SHEET**

WHEREAS, the people of the State of Texas and its communities have been harmed through the National and Statewide epidemic caused by licit and illicit opioid use and distribution within the State of Texas; and now,

WHEREAS, the State of Texas, though its elected representatives and counsel, including the Honorable Ken Paxton, Attorney General of the State of Texas, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the supply chain accountable for the damage caused; and now,

WHEREAS, the State of Texas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the epidemic throughout the State of Texas; and now,

THEREFORE, the State of Texas and its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) relating to the allocation and use of the proceeds of any Settlements as described.

A. Definitions

As used in this Texas Term Sheet:

1. “The State” shall mean the State of Texas acting through its Attorney General.
2. “Political Subdivision(s)” shall mean any Texas municipality and county.
3. “The Parties” shall mean the State of Texas, the Political Subdivisions, and the Plaintiffs’ Steering Committee and Liaison Counsel (PSC) in the Texas Opioid MDL, *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152d District Court of Harris County, Texas.
4. “Litigating Political Subdivision” means a Political Subdivision that filed suit in the state courts of the State of Texas prior to the Execution Date of this Agreement, whether or not such case was transferred to Texas Opioid MDL, or removed to federal court.
5. “National Fund” shall mean any national fund established for the benefit of the Texas Political Subdivisions. In no event shall any National Fund be used to create federal jurisdiction, equitable or otherwise, over the Texas Political Subdivisions or those similarly situated state-court litigants who are included in the state coalition, nor shall the National Fund require participating in a class action or signing a participation agreement as part of the criteria for participating in the National Fund.
6. “Negotiating Committee” shall mean a three-member group comprising four representatives for each of (1) the State; (2) the PSC; and (3) Texas’

Political Subdivisions (collectively, “Members”). The State shall be represented by the Texas Attorney General or his designees. The PSC shall be represented by attorneys Mikal Watts, Jeffrey Simon, Dara Hegar, Dan Downey, or their designees. Texas’ Political Subdivisions shall be represented by Clay Jenkins (Dallas County Judge), Terrence O’Rourke (Special Assistant County Attorney, Harris County), Nelson Wolff (Bexar County Judge), and Nathaniel Moran (Smith County Judge) or their designees.

7. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant that includes the State and Political Subdivisions.
8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Texas Term Sheet.
8. “Approved Purpose(s)” shall mean those uses identified in Exhibit A hereto.
9. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioids products are manufactured, marketed, promoted, distributed, or dispensed.

10. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
11. “Texas Opioid Council” shall mean the Council described in Exhibit A hereto, which has the purpose of ensuring the funds recovered by Texas (through the joint actions of the Attorney General and the Texas Political Subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

B. Allocation of Settlement Proceeds

1. All Opioid Funds distributed in Texas shall be divided with 15% going to Political Subdivisions (“Subdivision Share”), 70% to the Texas Opioid Abatement Fund through the Texas Opioid Council (Texas Abatement Fund Share) identified and described on Exhibits A and C hereto, and 15% to the Office of the Texas Attorney General as Counsel for the State of Texas (“State Share”). Out of the Texas Opioid Abatement Fund, reasonable expenses up to 1% shall be paid to the Texas Comptroller for the administration of the Texas Opioid Council pursuant to the Opioid

Abatement Fund (Texas Settlement) Opioid Council Agreement, Exhibit A hereto.

2. The Subdivisions Share shall be allocated in accordance with the division of proceeds on Exhibit B hereto.
3. The Texas Abatement Fund Share shall be allocated to the Opioid Council to be apportioned in accordance with the guidelines of Exhibit A, and Exhibit C hereto.
4. In the event a Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably based on the composition of the successor Subdivision. If a Subdivision for any reason is excluded from a specific settlement, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably among the participating Subdivisions.
5. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Texas Opioid Council and disbursed as set forth below.
6. The Subdivision share shall be initially deposited and paid in cash directly to the Subdivision under the authority and guidance of the Texas MDL Court, who shall direct any Settlement funds to be held in trust in a

segregated account to benefit the Subdivisions and to be promptly distributed as set forth herein and in accordance with Exhibit B.

7. Nothing in this Texas Term Sheet should alter or change any Subdivision's rights to pursue its own claim. Rather, the intent of this Texas Term Sheet is to join all parties to disburse settlement proceeds from one or more defendants to all parties participating in that settlement within Texas.
8. Opioid Funds from the Texas Abatement Fund Share shall be directed to the Texas Opioid Council and used in accordance with the guidelines as set out on Exhibit A hereto, and the Texas Abatement Fund Share shall be distributed to the Texas Opioid Council under the authority and guidance of the Texas MDL Court, consistent with Exhibits A and C, and the by-laws of the Texas Opioid Council documents and disbursed as set forth therein, including without limitation all abatement funds and the 1% holdback for expenses.
9. The State of Texas and the Political Subdivisions understand and acknowledge that additional steps may need to be undertaken to assist the Texas Opioid Council in its mission, at a predictable level of funding, regardless of external factors.

C. Payment of Counsel and Litigation Expenses

1. Any Master Settlement Agreement settlement will govern the payment of fees and litigation expenses to the Parties. The Parties agree to direct control of any Texas Political Subdivision fees and expenses to the “Texas Opioid Fee and Expense Fund,” which shall be allocated and distributed by the Texas MDL Court, *In re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas, and with the intent to compensate all counsel for Texas Political Subdivisions who have not chosen to otherwise seek compensation for fees and expenses from any federal MDL common benefit fund.
2. The Parties agree that no portion of the State of Texas 15% allocation share from any settlement shall be administered through the National Fund, the Texas MDL Court, or Texas Opioid Fee and Expense Fund, but shall be directed for payment to the State of Texas by the State of Texas.
3. The State of Texas and the Texas Political Subdivisions, and their respective attorneys, agree that all fees – whether contingent, hourly, fixed or otherwise – owed by the Texas Political Subdivisions shall be paid out of the National Fund or as otherwise provided for herein to the Texas Opioid Fee and Expense Fund to be distributed by the 152nd

District Court of Harris County, Texas pursuant to its past and future orders.

4. From any opioid-related settlements with McKesson, Cardinal Health, ABDC, and Johnson & Johnson, and for any future opioid-related settlements negotiated, in whole or in part, by the Negotiating Committee with any other Pharmaceutical Supply Chain Participant, the funds to be deposited in the Texas Opioid Fee and Expense Fund shall be 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of each payment (annual or otherwise) to the State of Texas for that settlement, plus expenses from the National Fund, and shall be sought by Texas Political Subdivision Counsel initially through the National Fund. The Texas Political Subdivisions' percentage share of fees and expenses from the National Fund shall be directed to the Texas Opioid Fee and Expense Fund in the Texas MDL, as soon as is practical, for allocation and distribution in accordance with the guidelines herein.
5. If the National Fund share to the Texas Political Subdivisions is insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, per subsection 4, immediately *supra*, or if payment from the National Fund is not received within 12 months after the date the

first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 12.5% of the Texas Political Subdivision Share to make up any difference.

6. If the National Fund and the Texas Political Subdivision share are insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, or if payment from the National Fund is not received within 12 months after the date the first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 8.75% of the Abatement Fund Share to make up any difference. In no event shall the Texas Political Subdivision share exceed 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of any settlement, plus expenses from the National Fund. In the event that any payment is received from the National Fund such that the total amount in fees and expenses exceeds 9.3925%, the Texas Political Subdivisions shall return any amounts received greater than 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions to those respective Funds.

7. For each settlement utilizing a National Fund, the Texas Political Subdivisions need only make one attempt at seeking fees and expenses there.
8. The total amount of the Texas Opioid Fee and Expense Fund shall be reduced proportionally, according to the agreed upon allocation of the Texas Subdivision Fund, for any Texas litigating Political Subdivision that (1) fails to enter the settlement; and (2) was filed in Texas state court, and was transferred to the Texas MDL (or removed before or during transfer to the Texas MDL) as of the execution date of this Agreement.

D. The Texas Opioid Council and Texas Abatement Fund

The Texas Opioid Council and Texas Abatement Fund is described in detail at Exhibit A, incorporated herein by reference.

E. Settlement Negotiations

1. The State and Negotiating Committee agree to inform each other in advance of any negotiations relating to a Texas-only settlement with a Pharmaceutical Supply Chain Participant that includes both the State and its Political Subdivisions and shall provide each other the opportunity to participate in all such negotiations. Any Texas-only Settlement agreed to with the State and Negotiating Committee shall be subject to the approval

of a majority of litigating Political Subdivisions. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants and to include the Negotiating Committee or designees. Neither this provision, nor any other, shall be construed to state or imply that either the State or the Negotiating Committee is unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the State's and Negotiation Committee's efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

2. Any Master Settlement Agreement (MSA) shall be subject to the approval and jurisdiction of the Texas MDL Court.
3. As this is a Texas-specific effort, the Committee shall be Chaired by the Attorney General. However, the Attorney General, or his designees, shall endeavor to coordinate any publicity or other efforts to speak publicly with the other Committee Members.
4. The State of Texas, the Texas MDL Plaintiff's Steering Committee representatives, or the Political Subdivision representatives may withdraw

from coordinated Settlement discussions detailed in this Section upon 10 business days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

5. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

F. Amendments

The Parties agree to make such amendments as necessary to implement the intent of this agreement.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above Texas Term Sheet, including consideration based on comments solicited from Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the State and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require

acceptance by the State of Texas and a majority of the Litigating Political Subdivisions.

We, the undersigned, hereby accept the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. We understand that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Texas.

Executed this 13 day of May, 2020.

FOR THE STATE OF TEXAS:

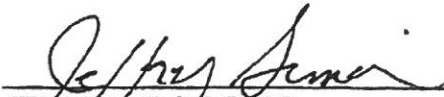


KENNETH PAXTON, JR.
ATTORNEY GENERAL

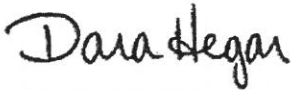
FOR THE SUBDIVISIONS
AND TEXAS MDL PSC:



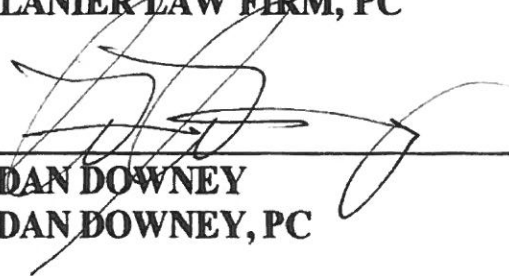
MIKAL WATTS
WATTS GUERRA LLP



JEFFREY SIMON
SIMON GREENSTONE PANATIER, PC



DARA HEGAR
LANIER LAW FIRM, PC



DAN DOWNEY
DAN DOWNEY, PC

:sas

EXHIBIT B

Fayette County	\$92,440	San Elizario	\$7,831
Fayetteville	\$391	San Felipe	\$1,498
Ferris	\$13,873	San Jacinto County	\$197,398
Fisher County	\$5,518	San Juan	\$28,845
Flatonia	\$5,661	San Leanna	\$36
Florence	\$3,949	San Marcos	\$325,688
Floresville	\$21,699	San Patricio	\$4,213
Flower Mound	\$215,256	San Patricio County	\$271,916
Floyd County	\$9,049	San Perlita	\$2,219
Floydada	\$6,357	San Saba	\$10,057
Foard County	\$5,764	San Saba County	\$17,562
Follett	\$212	Sanctuary	\$17
Forest Hill	\$26,132	Sandy Oaks	\$9,863
Forney	\$80,112	Sandy Point	\$1,637
Forsan	\$576	Sanford	\$308
Fort Bend County	\$1,506,719	Sanger	\$22,237
Fort Stockton	\$4,411	Sansom Park	\$223
Fort Worth	\$2,120,790	Santa Anna	\$329
Franklin	\$3,931	Santa Clara	\$87
Franklin County	\$25,783	Santa Fe	\$33,272
Frankston	\$274	Santa Rosa	\$2,138
Fredericksburg	\$56,486	Savoy	\$2,349
Freeport	\$72,973	Schertz	\$60,110
Freer	\$3,271	Schleicher County	\$5,695
Freestone County	\$50,495	Schulenburg	\$2,560
Friendswood	\$140,330	Scotland	\$148
Frio County	\$19,954	Scottsville	\$708
Friona	\$2,848	Scurry	\$1,110
Frisco	\$405,309	Scurry County	\$73,116
Fritch	\$4,548	Seabrook	\$30,270
Frost	\$321	Seadrift	\$991
Fruitvale	\$2,344	Seagoville	\$17,106
Fulshear	\$5,272	Seagraves	\$7,531
Fulton	\$1,602	Sealy	\$20,637
Gaines County	\$54,347	Seguin	\$376,538
Gainesville	\$153,980	Selma	\$22,429
Galena Park	\$13,093	Seminole	\$16,092
Gallatin	\$1,253	Seven Oaks	\$3,917
Galveston	\$488,187	Seven Points	\$7,452
Galveston County	\$1,124,093	Seymour	\$14,218



CITY COUNCIL MEMO

DATE: September 29, 2021
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Appraisal District Board Nominations

Summary:

According to the attached information, the City of Fredericksburg is allowed the opportunity to nominate members to the Appraisal District Board of Directors.

Recommendation:

As indicated in the attached information four of the current Board members have indicated that they would like to continue serving on the Board. Tony Klein has indicated that he will not continue serving on this Board. It is my understanding that Tim Dooley has spoken to Susan Behrends who is willing to serve on the Board to replace Tony Klein.

Attached is a resolution for the City Council to add names as you so choose. The motion should state that you approve the resolution nominating the following names to the Board of Director of the Gillespie Central Appraisal Board of Directors (add names).

Background / Analysis:

As indicated in the attached letter from Scott Fair taxing jurisdictions have an opportunity to nominate Appraisal Board members until October 15, 2021.

Attachments:

The City of Fredericksburg

Letter from Scott Fair, Chief Appraiser



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

RESOLUTION NO. 2021-12R

A RESOLUTION CASTING VOTES FOR THE GILLESPIE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR A TWO- YEAR TERM BEGINNING JANUARY 1, 2022.

WHEREAS, the Gillespie Central Appraisal District is the appraisal district for the City of Fredericksburg, Texas , and it has a governing board of directors that are selected by participating political subdivisions; and

WHEREAS, the City of Fredericksburg is a participating political subdivision within Gillespie County; and

WHEREAS, the City of Fredericksburg, having been advised by the Chief Appraiser of Gillespie Central Appraisal District, is entitled to cast 331 votes collectively or separately for nominees for the Board of Directors for the Gillespie Central Appraisal District.

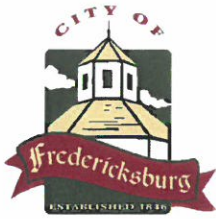
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, THAT:

The City Council of the City of Fredericksburg, Texas, hereby casts its votes for positions on the Board of Directors of the Gillespie Central Appraisal District, for a term of two-years beginning January 1, 2022, as follows:

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, ON THIS _____ DAY OF _____, 2021.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: September 29, 2021

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Downtown Parking Study, Preliminary Engineering and Design Services

Summary:

The attached contract and scope of services with the Goodman Corporation covers an update to the previous parking demand analysis, conceptual engineering and design services and financial pro forma and funding services. It also includes preparation of an EDA grant application for funding the parking facility prior to the October 31 grant deadline.

Recommendation:

It is recommended that the City Council approve this contract with a total cost of \$95,000 that will be funded from the Tourism Fund.

Background / Analysis:

In 2017 the City entered into an agreement with the Goodman Corporation to prepare an initial demand analysis for parking in our downtown area. Following this study, the City Council decided to postpone any further action of the development of a downtown parking facility.

During the recent budget discussions, the City Council discussed the need to update the previous parking analysis and prepare conceptual engineering and design of a two to three-story parking deck on City-owned property behind the Visitor's Center. This need is based upon the plans to expand the Visitors Center over the next two years and the possibility of linking the parking facility to the expanded Visitors

The City of Fredericksburg

Center. This need is also based upon increasing demand for parking in the downtown area as business activity continues to grow and expand. A final factor pointing to the need for these services is due to the projected increases in parking demand with the opening of the Albert Hotel next summer.

The original budget for these services proposed by the Goodman Corporation was \$80,000. However, several weeks ago the EDC and CVB identified the need for the parking consultant to also assess the feasibility of developing parking on the County-owned property at the corner of S. Adams Street and E. San Antonio Street. This week the Mayor, Councilman Luckenbach and I met with the County Judge and Commissioner Schuch and they agreed that this property could be included for the consultant to assess the feasibility of developing parking on this site. Based upon this secondary location, the consultant has proposed \$15,000 to evaluate this property including subsurface conditions, aesthetic considerations, vibration, sizing, etc. They will also prepare a plan view for schematics, renderings, and costs. If the Council decides to include this site in the contract, the total costs for these services will increase to \$95,000.

Barry Goodman from the Goodman Corporation will attend Monday's Council meeting to present additional information and respond to any questions.

Attachments:

Revised Proposal for Update to Downtown Parking Study



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg



HOUSTON:	AUSTIN:
3200 Travis Street	911 W. Anderson Lane
Suite 200	Suite 200
Houston, TX 77006	Austin, TX 78757

PROJECT SCOPE

PHONE: (713) 951-7951

THEGOODMANCORP.COM

CITY OF FREDERICKSBURG, TX UPDATE TO 2017 DOWNTOWN PARKING STUDY SEPTEMBER 2021

Background:

In 2017 The Goodman Corporation (TGC) completed a parking study for the City of Fredericksburg to identify and understand problems and solutions related to parking in and around the downtown area. The report identified an imbalance in parking demand relative to supply, which is exacerbated towards the eastern end of the study area. Parking is further challenged by a need for improved wayfinding and enhanced parking regulations to discourage visitor parking in residential areas. One recommendation of the study was to consider the construction of a shared-use structured parking facility where the existing Visitor's Center parking lot exists. At that time, 250-400 spaces were contemplated. The facility was to allow individuals to park in the facility, walk downtown, utilize the Visitor's Center, and access shuttle/tour buses on site. Recent discussion with City representatives focused on a renewed interest by the City administration in exploring a structured parking facility using TGC assistance towards siting, sizing, and design concepts.

This proposal would enable TGC to update the previously completed demand analysis to provide and/or validate recommendations related to parking facility size. TGC will also coordinate with the City to understand current and future proposed changes to parking requirements and garage use which may also impact sizing considerations. TGC will work with WSB Engineering (to provide structural engineering expertise) to develop updated concepts and costs for a parking facility to be integrated with the existing Visitors Center. TGC will provide an updated operating pro forma which summarizes annual operating/maintenance costs, and potential revenue projections. Finally, TGC will identify potential discretionary federal funding opportunities which are anticipated to be available over the course of the next 24 months. This scope includes an optional task which would allow TGC to begin work on an Economic Development Administration Tourism grant which could make available up to \$3M in EDA funding to construct the garage. This grant opportunity is currently available on a first-come first-serve basis.

Task 1 – Update Garage Demand Analysis

This task will update the previously completed supply and demand analysis to drive a recommendation on garage sizing. TGC will:

- Facilitate a coordinating/kick off meeting with the City and various departments to clarify garage use and users (this discussion will also inform garage conceptual design). This meeting will also define any changes in parking requirements/regulation since the 2017 study and if there are any change in requirements/regulations on the horizon.
- Update the previous parking demand estimates based on the 5th Generation Institute of Transportation Engineers (ITE) Parking Generation Manual. The 4th Generation Manual was available in 2017.
- Review assumptions made in 2017 and validate them moving forward comprehensive of local/regional/state growth as provided by the 2020 Census and related American Community Survey reports.
- Coordinate with the CVB to gather cell phone user reports, visitor data, and other information which will help to validate or modify 2017 information.
- Review major land use changes that have occurred since 2017 to document any significant supply side changes to the equation.
- Develop an updated parking supply/demand matrix for the project study area inclusive of tables and maps.
- Utilize the overall supply/demand information to provide a recommendation for garage sizing.

Deliverables: A presentation and associated technical memo that summarizes the information gathered and related recommendations.

Time Frame: 60 days

Task 2 – Garage Conceptual Engineering and Design

In this task the TGC team will:

- Review, coordinate, and discuss development requirements and regulations pertinent to traffic, drainage, zoning, and other building requirements with City staff. Requirements and any exceptions will be clearly identified and documented.
- Review and validate the feasibility for the construction of a multistory structured parking facility within the existing Visitor's Center parking area and at a potential secondary location at the corner of E. San Antonio Street and Adams Street. Document any considerations/concerns to this approach related to potential subsurface condition concerns, aesthetics, vibration, and other factors.
- Develop up to two (2) site and floor plan options for each garage location through the facilitation of up to four (4) meetings with City staff and any desired stakeholders. Coordination is inclusive of that with Gillespie County regarding property access and rights for the second garage location. Meetings will be conducted virtually through Microsoft Teams or Zoom.
- Development of a total of two (2) architectural renderings of the garage at each location to visually communicate the conceptual finished product.

- Completion of a line-item conceptual cost estimate to include all project development and construction costs pertinent to each garage location.

Deliverables: A presentation and associated technical memo that summarizes the information gathered and related recommendations inclusive of site plans, floor plans, renderings, and cost estimates.

Time Frame: 60 days following Task 1

Task 3 – Financial Pro Forma and Funding

In this task TGC will:

- Review and update previously completed estimates related to garage utilization during super peak, peak, and non-peak times.
- Complete a peer review of similar garages in similar destinations to provide recommended parking rates.
- Provide estimates related to garage operations and maintenance costs for the project life-cycle.
- Estimate annual net revenue and life-cycle net revenue.
- Identify discretionary funding sources for City consideration.

Deliverables: Individual project profiles that document the information noted above. Other projects will be listed and depicted on an overall projects map to include termini, purpose, need, and scope.

Time Frame: 90 days

Task 4 – FY21 EDA ARPA Travel, Tourism, and Outdoor Recreation Grant Application

The United States Economic Development Administration (EDA) has released a notice of funding opportunity making available competitive tourism grants. The EDA will fund travel, tourism, and outdoor recreation projects that provide public access enhancements, projects that improve access to recreation, and tourism facilities. The parking garage under evaluation in this scope of services would be an eligible project. We estimate that a feasible funding request under this program would be approximately \$1.5M-\$3M. If the City of Fredericksburg can commit local share to fulfill the remaining project cost, this may be an opportunity to significantly reduce City expenditures on the garage construction.

TGC has significant experience in EDA grants and has successfully pursued approximately \$10M in EDA resources in the last three years – to include projects with parking elements in downtown areas. If the City opts to pursue funding through this opportunity, TGC will fast track schematics, costs, and concepts for this effort. However, the work completed for the grant application may slightly differ from the final product of the stand-alone conceptual development effort.

In this task, TGC will:

- Complete a consultation workshop with the Austin-region EDA representative.
- Assist the City in completing grants.gov registration
- Complete project narrative materials
- Complete a project environmental clearance document

- Complete a project benefits assessment based on job creation, attraction, and retention
- Coordinate with the City to identify potential beneficiaries and participate in the collection of ED-900B beneficiary forms.
- Develop letter of support templates and assist in gathering letters from local, state, and federal partners.
- Assist the City in the submission process.

Deliverables: A complete and submitted EDA grant.

Time Frame: By October 31, 2021

Budget Summary

Progress payments will be made based on the percentage of completion of each task. Monthly invoices, including progress reports, will be provided commensurate with the percentage of the project completed each month. The costs within this scope are inclusive of all direct and indirect costs (travel, overhead, printing, etc.)

BUDGET SUMMARY		
TASK	DESCRIPTION	COST
1	Update Garage Demand Analysis	\$17,500
2	Garage Conceptual Engineering and Design	\$37,500
3	Financial Pro Forma and Funding	\$10,000
4	FY21 EDA ARPA Travel, Tourism, and Outdoor Recreation Grant Application	\$30,000
	Total	\$95,000

STATE OF TEXAS

§

§

COUNTY OF GILLESPIE

§

C O N T R A C T
BY AND BETWEEN
THE GOODMAN CORPORATION
AND
CITY OF FREDERICKSBURG

THIS CONTRACT is hereby entered into by and between **The Goodman Corporation** (Consultant) and City of Fredericksburg (Client).

W I T N E S S E T H

WHEREAS, Client has identified the need for professional consulting services to assist with the *Update to 2017 Downtown Parking Study*;

WHEREAS, Client desires to retain Consultant to perform various professional services in accordance with the Scope and Budget as described in *EXHIBIT A*;

NOW, THEREFORE, IT IS HEREBY AGREED that Client and Consultant should enter into a Contract for performance of professional services pursuant to the following terms and conditions.

ARTICLE I: SCOPE OF SERVICES

Consultant agrees to undertake, perform, and complete in an expedient, satisfactory, and proper manner all of the professional services required by Client as described in the Scope of Services defined in *EXHIBIT A*.

ARTICLE II: CONTRACT PERIOD

This Contract becomes effective when fully executed by all parties, and it will terminate on completion of all obligations by all parties per the Scope of Services defined in *EXHIBIT A*. Any work performed or cost incurred before or after the contract period will be ineligible for reimbursement.

ARTICLE III: COORDINATION AND REPORTS

A. Coordination. Data, analyses, findings, and recommendations prepared in the performance of this work shall be reviewed and coordinated with Client during performance of the work program by Consultant.

B. Inspection of Work. Consultant shall permit Client to inspect and review activities relating to its performance under this Contract. Consultant shall maintain complete and accurate records with respect to its performance under this Contract. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible at all reasonable times.

C. Brief Progress Reports. Consultant shall submit monthly progress reports to Client. These reports shall outline work accomplished by task during the previous month or since the last progress report. These reports shall include, but shall not be limited to, the percentage of completion of the overall work product, special problems or delays encountered or anticipated, changes in the estimated cost or the anticipated work activities for the next work period, and a brief description of work accomplished, methodologies used, and conclusions reached, if any. Progress reports shall be prepared according to a format approved by Client.

ARTICLE IV: COMPENSATION

Consultant shall be paid on a lump sum, percent of completion fee basis for the performance of the Scope of Services defined in *EXHIBIT A* in an amount set forth therein. Any increase in compensation to Consultant shall be conditioned on amending this agreement.

ARTICLE V: METHOD AND SCHEDULE OF PAYMENT

A. Payment Requests. Consultant shall submit monthly invoices for services rendered on the basis of a percentage of completion per task unless otherwise specified. Invoices shall be submitted to Client accompanied by a progress report as described in ARTICLE III: Coordination and Reports. Client shall pay invoices within thirty (30) days of receipt thereof.

C. Adjustments. In the event of a change in scope, complexity, or character of the work to be performed, and with the concurrence of both Client and Consultant, the fees specified in ARTICLE IV: Compensation may be adjusted in accordance with the provision of ARTICLE VI: Changes of this Contract by amending this original agreement.

D. Final Payment. Consultant shall submit a final invoice, so designated, for the contracted work within thirty (30) days of the close of this Contract.

ARTICLE VI: CHANGES

Client, from time to time, may require changes in the Scope of Services of Consultant to be performed hereunder, provided Consultant agrees in writing. Changes, including any increase or decrease in the amount of Consultant's compensation, which are mutually agreed upon by and between Client and Consultant, shall be incorporated in written amendment to this Contract.

ARTICLE VII: OWNERSHIP OF MATERIALS

All maps, drawings, documents, data, reports, research, graphic presentation materials, etc., developed by Consultant as a part of its work under this Contract, shall become the property of Client upon completion of this Contract, or in the event of termination or cancellation thereof, at the time of payment under ARTICLE IV: Compensation for work performed. All such data and material shall be furnished to Client on request. All documents, including, but not limited to, drawings, specifications, and data or programs stored electronically, prepared by Consultant pursuant to this Contract are related exclusively to the services described herein. Any reuse without written verification of adaptation by Consultant to specific purposes intended will be at Client's sole risk and without liability or legal exposure to Consultant.

ARTICLE VIII: TERMINATION

Client, may terminate this contract, in whole or in part, when it is in the Client's interest through written notice provided a minimum of thirty (30) days prior to the contract termination

date. If this contract is terminated, the Client shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

A. Procedure. In the event of such termination prior to completion of the Scope of Services provided for in *EXHIBIT A*, Client agrees to pay Consultant for work actually performed. Consultant shall submit a final invoice, so designated, for the contracted work actually completed less payment of any compensation previously paid.

B. Default. Client may, by written notice of default to Consultant, terminate the whole or any part of this Contract in any one of the following circumstances:

- 1) If Consultant fails to perform the work called for by this Contract within the time specified herein or any extension thereof; or
- 2) If Consultant fails to perform any of the other provisions of this Contract, or so fails to prosecute the work as to endanger performance of this Contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of ten (10) days (or such extension as authorized by Client in writing) after receiving notice of default.

In such event, Consultant shall be paid for professional services for work actually performed, based upon the judgment of Client to the date of notification of default, less payment of any compensation previously paid.

ARTICLE IX: PROHIBITED INTEREST

No employee, officer, or agent of Client shall participate in selection or in the award of administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

the employee, officer, or agent;
any member of his or her immediate family;
his or her partner; or
an organization which employs, or is about to employ, such individuals;

has a financial or other interest in the firm selected for award. Client's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from Consultant, potential consultants, or parties of subcontracts with this contract.

ARTICLE X - ASSIGNABILITY

Consultant may subcontract a portion of the services to be performed hereunder to firms with complementary disciplines to perform the Scope of Services defined in *EXHIBIT A*. All subconsultants retained by Consultant shall adhere to the terms of this Contract. If any portion of this Contract is assigned, Consultant shall not be relieved from any of the terms of this Contract.

ARTICLE XI - SEVERABILITY

In the event that any one or more of the provisions contained in this Contract shall be held to be invalid, illegal, or unenforceable in any respect, then such invalidity, illegality, or unenforceability shall not affect any other provisions of this Contract, and all other provisions shall remain in full force and effect. If any provision of this Contract is held to be excessively broad, then that provision shall be reformed and construed by limiting and reducing it to be enforceable to the maximum extent permitted by law.

ARTICLE XII – VENUE

Venue and jurisdiction of any suit, right, or cause of action arising under or in connection with the Contract shall lie exclusively within Gillespie County, Texas.

ARTICLE XIII: COVENANT AGAINST CONTINGENT FEES

Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Contract and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this Contract. For breach of violation of this warranty, Client shall have the right to annul this Contract without liability, or at its discretion to deduct from this Contract, the price of consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

ARTICLE XIV: INDEMNIFICATION

Consultant shall indemnify and hold harmless Client, its officers, agents, and employees against any and all claims, demands, suits, and judgments of sums of money to any party for loss of life

or injury or damage to person or property growing out of, resulting from, or by reason of any negligent act of omission, operation, or work of Consultant, its agents, servants, or employees while engaged upon or in connection with the services required or performed by Consultant hereunder.

ARTICLE XV: ACCESS TO RECORDS

Consultant agrees that Client shall have, until the expiration of three (3) years after termination or expiration of this Contract, access to and right to examine any directly pertinent documents, papers, and records developed by Consultant as a part of its work under this Contract.

ARTICLE XVI: FORCE MAJEURE EVENT

Unless otherwise agreed in the contract between the parties expressly or impliedly, where a party to a contract fails to perform one or more of its contractual duties, the consequences set out in this Clause will follow if and to the extent that that party proves: (a) that its failure to perform was caused by an impediment beyond its reasonable control; (b) that it could not reasonably have been expected to have taken the occurrence of the impediment into account at the time of the conclusion of the contract; and (c) that it could not reasonably have avoided or overcome the effects of the impediment.

A party invoking this Clause shall be presumed to have established the conditions described in the preceding paragraph in the case of the occurrence of one or more of the following impediments: war (whether declared or not), armed conflict or the serious threat of the same (including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization; civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience; act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine or other employee restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, blizzard, earthquake, volcanic activity, landslide, tidal wave, tsunami, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment, factories and of any kind of installation, prolonged break-down of transport, telecommunication or electric current; general labor disturbance such as but not limited to boycott, strike and lock-out, go-slow, occupation of factories and premises; shortage or inability to obtain critical material or supplies to the extent

not subject to the reasonable control of the subject Party ("Force Majeure Event").

This provision shall become effective only if the Party failing to perform notifies the other party within a reasonable time of the extent and nature of the Force Majeure Event, limits delay in performance to that required by the Event, and takes all reasonable steps to minimize damages and resume performance.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in duplicate originals and it shall be effective the 9th day of September, 2021.

CITY OF FREDERICKSBURG

BY: _____

Name: _____

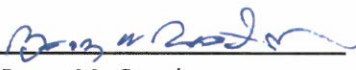
Title: _____

ATTEST: _____

Name: _____

Title: _____

THE GOODMAN CORPORATION

BY: 
Barry M. Goodman
President

ATTEST: 
Jim Webb
CEO

EXHIBIT A – SCOPE OF SERVICES (as Attached)



CITY COUNCIL MEMO

DATE: October 4, 2021
TO: Mayor and City Council
FROM: Garret Bonn, P.E., CFM – Assistant City Engineer
SUBJECT: Discussion and Possible Action Regarding Recycling Center Operations

Summary:

This agenda item will include a discussion on acceptable items at the City of Fredericksburg Recycling Center and a revised contract with Federal International.

Recommendation:

City staff recommends approval of the revised contract with Federal International and to begin accepting mixed paper/magazines and plastics at the Recycling Center on November 1, 2021.

Background / Analysis:

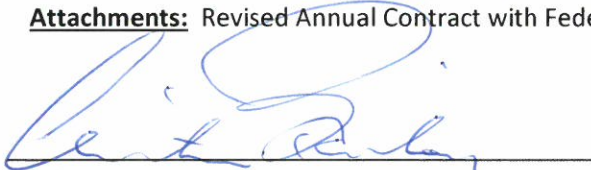
In 2015, after a public bidding process, the City of Fredericksburg partnered with Federal International to provide pick up and recycling of materials at the City of Fredericksburg Recycling Center. Recyclable materials included mixed paper/magazines, plastics, aluminum, tin cans, and corrugated cardboard.

The City of Fredericksburg

In the Summer of 2019, Federal International informed the city that they would need to start charging for haul-off of papers and plastics and indicated that a lot of these materials were ending up in landfills, rather than being recycled. This was due to a major reduction in global commodity prices and material recycling facilities (MRF) having no one to sell their materials to and no additional storage space. In response, City staff reached out to other recycling companies, but everyone was experiencing the same issues so in October of 2019, the City began only accepting aluminum, tin cans, and cardboard.

Since that time, staff has continued to monitor the recycling industry and in the past few months, there seems to have been some positive signs in the recycling markets. Staff has negotiated the attached revised contract with Federal International that, if approved, will once again allow the City to begin accepting mixed paper/magazines and plastics at the Recycling Center. The proposed contract ties rebates (revenue) to global commodity markets and prevents the City from unforeseen haul and/or disposal fees if there happen to be major downturns in the recycling market again. The contract is based on a term of one year with annual renewals if both parties agree to new terms and Federal International has agreed to waive hauling (mileage) and trailer rental fees as part of the contract.

Attachments: Revised Annual Contract with Federal International


Department Approval
City Manager Approval
City Attorney

The City of Fredericksburg



PROPOSAL

Company: City of Fredericksburg

Date: September, 2021

Contact Name: Garret Bonn

Address: 126 West Man, Fredericksburg, TX 78624

Phone Number: 830-990-2020

Prepared by: Jared Barker (210) 627-5061

Subject: Recycling and Waste Solutions

Federal International: Tailors a variety of service options to your specific needs. We can provide virtually any recycling service needed, including trailer spots, open tops, trailer live loads, compactors, door bale pick up, railcars, and sea containers. Our cross-trained customer service team ensures that your pick-ups are on time, every time. We understand that space is precious at your site, so we always have back-up plans allowing for immediate removal of all your recyclables in the event of a service problem.

Service Description: Federal International will pick up recyclable plastic and paper waste from your facility. All material collected should be free of hazardous material. A bobtail, flatbed, or trailer can be provided or you can simply request box-truck service.

Material Pricing*: Market pricing, location, and the amount of recyclable material collected, determines the price Federal International can offer. Below is the pricing structure and current price paid. This is a commodities market and fluctuates with market supply and demand. We are responsive to market conditions and will adjust the prices of the recyclable material as the market dictates.

Recycling Program*				
Grade			Rebate Breakdown	
Cardboard (OCC)	Bales		OBM less \$15.00 (\$180.00 a ton)	Delivery Fee: No Haul Fee Trailer Rental: No Monthly Rental
Cardboard (OCC)	Loose		OBM less \$35.00 (\$160.00 a ton)	
Mixed Paper	Loose		OBM less \$85.00 (\$40.00 a ton)	
Newspaper	Loose		OBM less \$85.00 (\$40.00 a ton)	
Old Magazine	Loose		OBM less \$85.00 (\$40.00 a ton)	
Sorted Office Paper (SOP)	Loose		OBM less \$85.00 (\$85.00 a ton)	
Shredded Paper	Baled		OBM less \$85.00 (\$40.00 a ton)	

NORTH TEXAS PLANT
2441 W. Commerce
Dallas, TX 75212
Phone: (214) 267-1111

SOUTH TEXAS PLANT
6201 Rankin Road
Houston, TX 77396
Phone: (281) 580-1242

SAN ANTONIO PLANT
400 Probandt St.
San Antonio, TX 78204
Phone: (210) 732-5246



PROPOSAL

Recycling Program*			
Grade			Rebate Breakdown
Plastic 1's	Separate/Loose		\$10.00 per ton
Plastic 2'	Separate/Loose		\$10.00 per ton
LDPE	Loose		\$10.00 per ton
Plastic 1's & 2's	Combined		\$0.00 per ton (No pay)
Aluminum	Baled		Market rate
Tin	Baled		Market rate
Disposal Fee	Waste		Charge of \$100.00 per ton
Disposal Fee	Glass		Charge of \$100.00 per ton
Open Communication in regards to changes in market landscape			

SIGNATURE: _____ TITLE _____ DATE: _____

***Rebate pricing is set by the PPI Index which stands for Pulp & Paper Week. Pricing is set off the Southwest Region and we at Federal International go off the high side of pricing. OBM less \$ _____ to determine Rebates for customers. PPI index changes pricing every 30 days and is determined by the world market for each Commodity. Metal Pricing changes daily, rebates are based off the day in which we sale the material. Market Rate averages between \$400 and \$475 per ton depending on the market.

One Year Contract, with annual Renewals if both parties can agree to new terms

***Combining Plastic 1's & 2's will result in no rebate for the material. Will be paid at no pay. If the market does change in the future we can discussion at that time and make changes to the rebate format.

***Waste Disposal Fee is a standard line just in case the load is contaminated.

***Federal International does not currently recycle glass products. All glass products are taken to the landfill for Disposal.

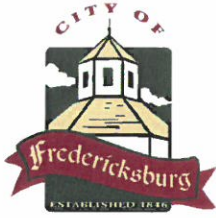
***I have added Shredded paper, but it will have to either be baled or combined with your mixed paper and/or Magazines.

***No Delivery FEE (No Haul Fee) and or Trailer Rental (No Monthly Rental Rate on Trailer).

NORTH TEXAS PLANT
2441 W. Commerce
Dallas, TX 75212
Phone: (214) 267-1111

SOUTH TEXAS PLANT
6201 Rankin Road
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SAN ANTONIO PLANT
400 Probandt St.
San Antonio, TX 78204
Phone: (210) 732-5246



CITY COUNCIL MEMO

DATE: September 28, 2021

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: American Rescue Plan Funding for Local Organizations

Summary:

The City Council had previously discussed the possibility of making some of the unallocated American Rescue Plan funds available to local non-profit agencies who met the federal funding guidelines.

Recommendation:

It is recommended that the City Council review the attached proposed application for American Rescue Plan funds and make any changes to this application prior to sending to local non-profit agencies.

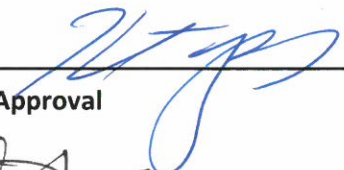
Background / Analysis:

During the next year, the City will receive \$2,848,547 in federal funds under the American Rescue Plan. The City has \$830,775 of these funds that are still unallocated. Some local non-profit agencies have been impacted by COVID and are eligible to receive some of these funds. The City Finance Department has developed the attached proposed application for these local organizations to apply to the City for this funding. We have suggested that funding awards range from \$10,000 to \$100,000 for each agency. It is also recommended that the City retain some of the unallocated funds in case there are any cost overruns for the other projects funded by the American Rescue Plan.

Attachments:

The City of Fredericksburg

American Rescue Plan Application



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg



City of Fredericksburg, Texas

AMERICAN RESCUE PLAN APPLICATION

This program was made possible through the American Rescue Plan Act being administered by the Department of Treasury in conjunction with the City of Fredericksburg.

The American Rescue funds made available by the City of Fredericksburg will range from \$10,000 to \$100,000 per award. **To be eligible for ARP funding organizations must have a 501(c)(3) designation and provide service to the City of Fredericksburg community.** Awarded organizations need to utilize funds for the program expenses detailed in this application.

Application window: 11/1/2021 – 11/30/2021 (submit by 5 p.m., Tuesday, November 30, 2021)

The City of Fredericksburg is under no requirement or expectation to provide funding to any organization and funding may vary depending on the financial priorities of the City.

The awards will be focused on servicing the following areas of our community:

- Mental health treatment
- Substance abuse treatment
- Crisis intervention and other behavioral health services
- Services or outreach to promote access to health and social services
- Affordable housing including rent, utilities, and relocation assistance
- Employment or job training services to address negative economic or public health impacts experienced due to the Covid-19 pandemic

Official Name of Organization/Entity:	Date Organization/Entity Founded:
Organization/Entity Mailing Address:	
Organization/Entity website:	
Name and Title of Person authorized to act on behalf of Organization/Entity for this application ("Applicant"):	Organization/Entity Phone:
	Organization/Entity Email:

SECTION A – Funding Amount Requested \$ _____

In the space below, please explain how the funds will be used to directly respond to the Covid-19 public health emergency or for a secondary effect of the pandemic. Also, provide your internal controls in place at your agency to ensure us that monitoring of the funds will take place and meet federal guidance (link provided to Treasury’s guidance on page 4 of application):

By signing below, the applicant acknowledges the information provided on this application and any accompanying documents is true and correct to the best of the applicant's knowledge. The applicant further acknowledges that the funds must be used in a manner permitted by the American Rescue Plan Act of 2021 and regulations issued by the Department of The Treasury and/or the City of Fredericksburg. Applicants will be expected to maintain adequate and complete records regarding the disbursement of all funds received. Applicants will be required to return funding used in violation of the program requirements.

Applicant Signature:	Date signed:
Applicant Name & Title (print or type):	Applicant Phone (if different from phone # listed on page 1):
Applicant Address (if different from Mailing Address listed on page 1):	Applicant E-Mail Address (if different from e-mail address listed on page 1):

PLEASE ATTACH TO APPLICATION:

Copy of the organization/entity IRS 501(c)(3) ruling letter.

Please review the important information provided in the link below:

<https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>



CITY COUNCIL MEMO

DATE: September 28th, 2021

TO: Mayor and City Council

FROM: Lt. Braxton Roemer, Fredericksburg Police Department

SUBJECT: Request for Amendment of Adoption Fees

Summary:

When the Animal Control Division adopts an animal to the public, State law requires that the animal be spayed or neutered, and the animal must receive a rabies vaccine. These routine veterinary services are paid for by the City of Fredericksburg, and the City recoups most of these costs in the form of adoption fees. Fredericksburg's local veterinary clinics provide these routine services at a greatly reduced rate compared to the general public. Additionally, the City also receives a cheaper rate than the private animal organizations in the community. Some of the veterinary clinics have requested that we increase what the City pays for these routine veterinary services because they are losing money by providing the services at the current rate.

Recommendation:

As of 2020, the fees for routine veterinary services have increased. Additionally, Sec 4-13 (g) of Fredericksburg City Ordinance permits the City to recover sterilization costs through Adoption Fees. In accordance with Sec 4-13 (d), the City Council will set the adoption fee schedules for the City. The Police Department recommends increasing the Adoption Fees to recoup all costs for routine veterinary services as well as microchipping. This will result in an increase of approximately 25% to the current Adoption Fee Schedule. Male Cats and Female dogs over 60 pounds will require a higher increase. Exact figures can be found in the attached powerpoint. No other fees are being considered in this recommendation.

The City of Fredericksburg

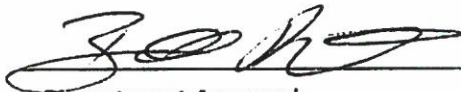
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Background / Analysis:

The Police Department researched the current veterinary fees from multiple local vet clinics and received the public costs for spaying or neutering an animal. The rates in the powerpoint presentation reflect the least and most expensive rates for all vet clinics. At the new recommended rate, spay/neuter fees charged to the City are still about one-third of the cost charged to the general public for dogs, and cats are about one-half of the cost. The Police Department's proposed rates for spaying/neutering are also much more cost effective than what private animal organizations in the community pay. As a way to offset the cost increase, the Police Department recommends increasing the City's Adoption Fees. The adoption rates are available in the attachment. The fees charged were compared to three shelters in other communities. All three comparison shelters charged a flat rate. Two of the three shelters included essentially the same services as Fredericksburg for the cost of their adoption fees. The proposed rate increase will still be more cost effective than the comparison shelters offering the same services.

Attachments:

PowerPoint Presentation



Department Approval



City Manager Approval

The City of Fredericksburg

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

PROPOSED ADOPTION AND VETERINARY FEES

Lt. Braxton Roemer

Overview Of Veterinarian Services

- Veterinarians Utilized by the City
 - *Compassionate Care Veterinary Center*
 - *Fredericksburg Veterinary Center*
 - *Friendship Veterinary Center*
 - *Gillespie County Veterinary Clinic*
 - *Hill Country Veterinary Clinic*
 - *Pedernales Veterinary Center*
- Routine Services
 - *Spay/Neuter*
 - *Rabies Vaccination*
- Euthanasia and Any Other Fees will not Change

Veterinary Rates Charged to the City

	Previous Rates	Current Rates (as of 2020)
Dog Spay 0-20 Lbs	\$55.00	\$66.00
Dog Spay 21-60 Lbs	\$65.00	\$78.00
Dog Spay 60 Lbs +	\$100	\$120
Dog Neuter 0-20 Lbs	\$40	\$48
Dog Neuter 21-60 Lbs	\$50	\$60
Dog Neuter 60 Lbs +	\$55	\$66
Cat Spay	\$40	\$48
Cat Neuter	\$30	\$36
Rabies Vaccination	\$9	\$11
Spay – in heat, pregnant or postpartum (Additional Cost)	\$18	\$22

Veterinary Rates by Entity

	Current City Rates (as of 2020)	Private Animal Org Rates	Public Rates
Dog Spay 0-20 Lbs	\$66.00	\$90	\$155 to \$250
Dog Spay 21-60 Lbs	\$78.00	\$90 to \$110	\$190 to \$300
Dog Spay 60 Lbs +	\$120	\$110 to \$120	\$255 to \$366
Dog Neuter 0-20 Lbs	\$48	\$75	\$170 to \$210
Dog Neuter 21-60 Lbs	\$60	\$75 to \$100	\$170 to \$285
Dog Neuter 60 Lbs +	\$66	\$100 to \$110	\$220 to \$315
Cat Spay	\$48	\$55	\$105 to \$165
Cat Neuter	\$36	\$45	\$78 to \$105
Rabies Vaccination	\$11	\$10	\$17.50
Spay - in heat, pregnant or postpartum (Additional Cost)	\$22	\$20	varies

Adoption Fees

- Routine Vet Services are paid for by the City of Fredericksburg
- Sec. 4-13 (g) of City Ordinance permits the City to recover the cost of Sterilization to be recovered in Adoption Fees.
- The Proposed Adoption Fees will include:
 - *Spaying and Neutering (provided by local vets)*
 - *Rabies Vaccine (provided by local vets)*
 - *Microchipping – Cost \$5.50 (provided by animal control)*
- The Proposed Adoption Fees will Increase by Approximately 25% to Offset the Cost of Vet Fees and microchipping
 - *Female dogs over 60 pounds and male cats increased by more than 25%*
 - *The Proposed Fees will allow the City to Break Even on Adoptions*
- Boarding, Quarantine, and any Other Fees will Stay the Same

Proposed Adoption Fees

	Current Adoption Fees	Proposed Adoption Fees
Female Dog 0-60 Lbs	\$68	\$85
Female Dog 61 Lbs +	\$93	\$135
Male Dog 0-60 Lbs	\$53	\$65
Male Dog 61 Lbs +	\$58	\$75
Female Cat	\$53	\$65
Male Cat	\$33	\$50

Adoption Fees Comparison

	Fredericksburg	Kerr County	Boerne	Brenham
Female Dog 0-60 Lbs	\$85	\$50	\$100	\$95
Female Dog 61 Lbs +	\$135	\$50	\$100	\$95
Male Dog 0-60 Lbs	\$65	\$50	\$100	\$95
Male Dog 61 Lbs +	\$75	\$50	\$100	\$95
Female Cat	\$65	\$50	\$90	\$95
Male Cat	\$50	\$50	\$90	\$95
Services provided with Adoption Fees	Includes Spay/neutering, vaccination, microchipping, flea removal and deworming. \$25 if already Spay/neutered	Includes a \$40 voucher off the cost of spay/neutering at a local vet clinic. \$20 if already Spay/neutered	Includes Spay/neutering, vaccination, microchipping and deworming. \$75 if already Spay/neutered	Includes Spay/neutering, vaccination, microchipping, flea removal and deworming. No reduced rate if already spay/neutered

Questions



CITY COUNCIL MEMO

DATE: October 4, 2021

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., Assistant City Manager/Director of Public Works and Utilities

SUBJECT: Discussion of Proposed Airplane Viewing Area at Lady Bird Johnson Municipal Park

Summary:

This item is for the discussion of a proposed donation to the City of Fredericksburg for the construction of an airplane viewing area located within Lady Bird Johnson Municipal Park.

Recommendation:

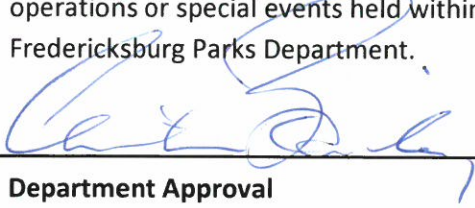
N/A

Background / Analysis:

The City was recently approached by a local individual who is interested in making a donation of approximately \$17,000 to the City of Fredericksburg for the construction of an airplane viewing area within Lady Bird Johnson Municipal Park adjacent to the Gillespie County Airport property. The viewing area would consist of a covered bleacher, a small parking area and sidewalk improvements as illustrated on the attached drawing. The covered area would house an aircraft radio communication receiver which would allow viewers to listen to area aircraft communications while watching aircraft. The

The City of Fredericksburg

proposed viewing area will be open to the public and will not interfere with any Parks Department operations or special events held within the park. The facility will be maintained by the City of Fredericksburg Parks Department.



Department Approval



City Manager Approval

The City of Fredericksburg



FIGURE 1
City of Fredericksburg
Airport Viewing Area

LEGEND

- Bleacher Pad
- Sidewalk
- 9 x 18 Parking



Citizen Request to be on City Council Agenda

Name: John Rodriguez
Address: 817 W Pecan
Phone number: 830-305-0633
Email: [REDACTED]
Topic: Solar and Wind
Renewable Energy

(Agenda wording will be taken from the topic)

Topics may be added to the agenda by a citizen by one of the following:

1. Mayor's approval
2. Approval by at least two City Councilmembers

Rules for topics:

1. Not a political item
2. Maximum time allotted is 10 minutes
3. Your form and Mayor's approval, or approval from two City Councilmembers must be received by the City Manager 7 days before the meeting (City Council Regular Meetings are held on the 1st and 3rd Monday unless a holiday and then it will be held the following day).
4. If your topic will have backup material, it will need to be submitted with this form. No information should be distributed at the Council Meeting.
5. No more than one (1) Agenda Item should be requested.

Office Use

Date received form: _____

Date of Mayor's approval _____

Councilmember _____ approval on _____

Councilmember _____ approval on _____

Agenda Date: _____

City of Fredericksburg

126 West Main Street • Fredericksburg, TX 78624 • Phone: 830-997-7521 • Fax: 830-997-1861

Mayor approved.

Future Agenda Items

City Council

October 18, 2021 Regular Meeting

City Council = Red

4th and 18th Regular Meetings @ 6p.m.

11th Work Session @ 6 p.m. @ University

Planning & Zoning = Green on 6th @ 5:30 p.m.

Historic Review Board = Purple on 12th @ 5:30 p.m.

Zoning Board of Adjustment = Blue on 14th @ 5:30 p.m.

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Proclamation

1.

Consent

- 10-4-2021 City Council Regular Meeting Minutes
- Hosting the Light the Night Christmas Parade on Main Str. December 3, 2021.

Public Hearing

- Z-2102 1st public hearing-Post Road Annexation Area 6A & 6B
- Z-2117 PUD-Needham/SECO
- Z 2119 Definition of Event Center (Historic District Tents)
- Z 2116 Zoning Change – Stuart Barron
- Z2116 CUP – Stuart Barron

Ordinances

- Z-2117 PUD-Needham/SECO
- Z 2119 Definition of Event Center
- Z 2116 Zoning Change – Stuart Barron

Resolutions

- Resolution Relating to Request for Flood Infrastructure Funds - N. Llano Storm Sewer Project

Approvals-Misc.

- Z2116 CUP – Stuart Barron
- Request for Qualifications for the Comprehensive Plan

Presentations, Discussions and Updates:

- Salary Survey

Executive Session

November 1, 2021

Regular Meeting

City Council = Red

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

Planning & Zoning = Green on 3rd @ 5:30 p.m.

Historic Review Board = Purple on 9th @ 5:30 p.m.

Zoning Board of Adjustment = Blue on 11th @ 5:30 p.m.

City Events

11th Veterans Day Holiday

25th and 26th Thanksgiving Holidays

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Proclamation

1.

Consent

1. 10-18-2021 City Council Regular Meeting Minutes

Public Hearing

1. Z-2102 2nd public hearing-Post Road Annexation Area 6A & 6B

2.

Ordinances

1.

Resolutions

1.

Approvals-Misc.

1.

Presentations, Discussions and Updates:

1

Executive Session

**ADDENDUM TO AGENDA
OF
CITY COUNCIL REGULAR MEETING
CITY OF FREDERICKSBURG, TEXAS**



MONDAY, OCTOBER 4, 2021

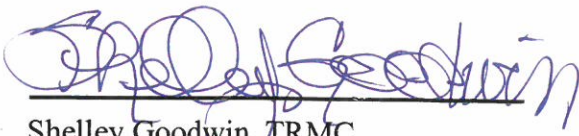
6 P.M.

LAW ENFORCEMENT CENTER- 1601 E. MAIN STREET

The following item hereby corrects Agenda Item 7.C. of the previously posted agenda (posted on Wednesday, September 29, 2021, at 12:20p.m.).

7. C. Consider the approval of Resolution 2021-12R to nominate candidates for the Board of Directors of the Gillespie Central Appraisal District for the 2022-2023 term.(Kent Myers, City Manager).
(Agenda Packet Pages 65-68)

This is to certify that I, Shelley Goodwin, posted this Agenda at 12:25p.m. on September , 2021, at the main entrance bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.


Shelley Goodwin, TRMC
City Secretary

RESOLUTION NO. 2021-12R

A RESOLUTION TO NOMINATE CANDIDATES FOR THE BOARD OF DIRECTORS
OF THE GILLESPIE CENTRAL APPRAISAL DISTRICT FOR THE 2022-2023 TERM.

WHEREAS, the Gillespie Central Appraisal District has a board of directors, comprised of persons that are nominated by the governing bodies of voting taxing units within the Gillespie Central Appraisal District, including the City of Fredericksburg.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF FREDERICKSBURG, TEXAS, THAT:

The City Council of the City of Fredericksburg, Texas, hereby nominates the following persons as candidates for the Board of Directors for the Gillespie Central Appraisal District for the 2022-2023 term:

1. _____
2. _____
3. _____
4. _____
5. _____

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, ON THIS _____ DAY OF _____, 2021.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



GILLESPIE CENTRAL APPRAISAL DISTRICT

1159 S. Milam St.
Fredericksburg, TX 78624
(830) 997-9807

September 9, 2021

City of Fredericksburg
Attn: Kent Myers, City Manager
126 West Main Street
Fredericksburg, TX 78624

RE: Gillespie Central Appraisal District Board of Director's Nominations
for the 2022-2023 Term

Dear Mr. Myers;

The terms of the current Directors of the Gillespie Central Appraisal District will expire on December 31, 2021. Directors are elected to two-year terms by the governing bodies of voting taxing units within the appraisal district. The Gillespie CAD Board of Directors has five elected positions; it is your taxing unit's duty to nominate members that you feel will represent your taxing unit, the district, and the taxpayers within the Gillespie CAD. Existing board members can serve again, but they must be renominated and reelected.

This process starts with the chief appraiser calculating the number of votes that a taxing unit receives. Each taxing unit's number of votes equals its percentage of overall 2020 tax levy in Gillespie County multiplied by 5,000.

The chief appraiser then notifies the taxing units of the number of votes it may cast. The following is a list of all voting taxing units and their number of votes.

Taxing Unit	2020 Levy	Percent of Total Levy	Number of Votes
City of Fredericksburg	\$4,964,514.81	6.51%	326
Doss CCSD	\$547,445.11	0.72%	36
Fredericksburg ISD	\$46,024,995.92	60.36%	3018
Gillespie County	\$19,870,149.01	26.06%	1303
Harper ISD	<u>\$4,841,017.88</u>	<u>6.35%</u>	<u>317</u>
	\$76,248,122.73	100.00%	5000