

City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, DECEMBER 21, 2020 ~ 6 P.M. VIA ZOOM

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

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

The City of Fredericksburg City Council will meet in a regular session on Monday, December 21, 2020, at 6 p.m. **This meeting will be held via Zoom Teleconferencing (see details below).**

Members of the public may attend remotely using one of the following:

Computer Join Zoom Meeting:

<https://us02web.zoom.us/j/82613611485>

Meeting ID: 826 1361 1485

Passcode: 374257

By Telephone:

(888) 788-0099 US Toll-free

(877) 853-5247 US Toll-free

Meeting ID: 826 1361 1485

Find your local number: <https://us02web.zoom.us/u/kX50iQjfS>

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

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

4. EMPLOYEE RECOGNITIONS

5. PUBLIC COMMENTS

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

Written Comments: to be submitted remotely:

1. Must be received by 3 p.m. on December 21, 2020
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to sgoodwin@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 “**December 21, 2020**, City Council Regular Meeting” tab.

Verbal Comments:

1. Must submit your name, address and contact information to sgoodwin@fbgtx.com by 3 p.m. on December 21, 2020.
2. Please log on to the meeting 15 minutes early.
3. Set your name in the ID on the Zoom Meeting
4. Wait for your name to be called.

6. CONSENT

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

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

- i. November 16, 2020, City Council Regular Meeting
(Agenda Packet Pages 5-14)
- ii. November 30, 2020, City Council Workshop Meeting
(Agenda Packet Pages 15-18)

7. ORDINANCE

A. Consider the approval of Ordinance 2020-21 amending Article V-Speed Regulations of Chapter 44- Traffic and Motor Vehicles – of the Code of Ordinances, to amend the maximum speed limit for the far western portion of US 290 within the City limits, determined upon the basis of an Engineering and Traffic Study for said roadway (1st of two readings; City Council may waive 2nd reading).(Garret Bonn, Assistant City Engineer)
(Agenda Packet 19-24)

B. Employee Salaries and Benefits

- i. Consider the approval of Ordinance 2020-20 approving an increase in both City and Employee Deposit Rate to the Texas Municipal Retirement System (TMRS) from 6% to 7% and authorizing Updated Service Credits and CPI Increases to TMRS, and establishing an effective date for the Ordinance (2nd reading; 1st reading was held on December 7, 2020) (Kent Myers, City Manager).
(Agenda Packet Pages 25-30)
- ii. Consider the approval of one-time future bonus payment, with agreement to address total compensation package adjustments in the next annual budget cycle as an alternative to the TMRS change (Councilmember Rickert).
(Agenda Packet Pages 31-32)

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of additional carryover of PTO time for emergency personnel (Kent Myers, City Manager) (December 7, 2020 no action was taken).
(Agenda Packet Pages 33-34)

B. Consider the approval of release of access easement at Boot Ranch (Kris Kneese, Assistant Public Works Director).
(Agenda Packet Pages 35-40)

- C. Consider, discuss, and take appropriate action regarding moratorium for outdoor gathering of 75 or more (Jennifer Krupa, Special Events Coordinator).
(Agenda Packet Pages 41-46)
- D. Consider the approval of the 2021 City Employee Holidays (Kent Myers, City Manager)
(Agenda Packet Pages 47-50)
- E. Consider the approval of a bid and purchase of playground equipment at Marktplatz.
(Andrea Schmidt, Parks Director).
(Agenda Packet Pages 51-64)
- F. Consider and discuss granting a non-exclusive access easement to property owner located at 535 N. Lee Street. (Daniel Jones, City Attorney).
(Agenda Packet Pages 65-72)
- G. Consider, discuss, and take action approving location for January City Council and other Public Meetings (Kent Myers, City Manager).
(Agenda Packet Pages 73-74)
- H. Consider, discuss, and take action regarding May 1, 2021 City Election Plan (Shelley Goodwin, City Secretary)
(Agenda Packet Pages 75-82)

9. CITY MANAGER REPORT

- A. Legislative Issues
- B. Recent Personnel Changes
- C. Development Services Director Position.

10. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages 83-84)

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 551.072 (Deliberation Regarding Real Property):

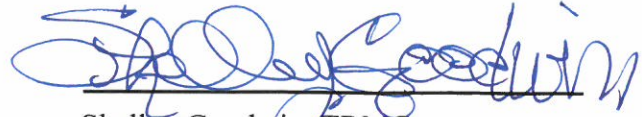
- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of US 290 E at the Pedernales River crossing, approximately two miles to the east of the City of Fredericksburg (Sec. 551.072).

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 9:30 a.m. on December 17, 2020, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

A handwritten signature in blue ink, appearing to read 'Shelley Goodwin', is written over a horizontal line.

Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING NOVEMBER 16, 2020

The City of Fredericksburg City Council met in a regular session on Monday, November 16, 2020, at 6 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person at the University Center-HEB Room, 2818 US 290 Fredericksburg, Texas. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman (participated via Zoom)
Councilmember Polly Rickert (participated via Zoom)
Councilmember Bobby Watson (participated via Zoom)

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 (participated via Zoom)
Lynn Bizzell, Fire Chief
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director (participated via Zoom)
Tammie Loth, Human Resources Director (participated via Zoom)
Laura Hollenbeck, Finance Director (participated via Zoom)
Lea Feuge, Public Information Officer
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer (participated via Zoom)
Jennifer Krupa, Special Events Coordinator (participated via Zoom)
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Neffendorf called the regular meeting of the Fredericksburg City Council to order at 6:04 p.m. on Monday, November 16, 2020, in person at the University Center-HEB Room via Zoom Teleconference. Mayor Neffendorf announced a quorum of the City Council present.

2. PROCLAMATION

A. Zonta Says NO to Violence Against Women Day

Mayor Kiehne read the proclamation and proclaimed November 25-December 10, 2020, Say No to Violence Against Women Day. He presented the proclamation to the Zonta group.

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reported as of 11-16-2020:

World	United States
54,301,156 Positive Cases	10,984,398 Positive Cases

Texas	Case Count	Total Deaths	Active Cases	Recovered Cases	Test Preformed	
254 counties out of 254	1,407,041 New 6,390	19,271	103,935	871,434	9,371,433	
Region 8 Counties	Region 8 Total Cases	Region 8 Deaths	Region 8 Active Cases	Region 8 Recovered	Region 8 Pending investigation cases	Region 8 Probable
28 out of 28	92,929	2,101	3,596	80,969	905	14,367

Lynn Bizzell, Fire Chief, reported on the following:

- CDC Guidelines
- Social distancing to eliminate community spread
- Good hygiene
- Cover your mouth when you cough
- Do not travel to hot spot areas, if possible
- Avoid crowds of 10 or more.
- Tested 307 (234 Gillespie County) on Sunday, October 18, 2020, 36 (28 Gillespie County) positive cases.
- Next testing will occur on Monday, November 23, 2020, at the Pioneer Pavilion from 8 a.m.- 4 p.m.
- HCMH Drive-Up COVID testing has been moved to HCM Immediate Care.
- The Texas hospital cases have been increasing daily with 528 today (7,053 total) and locally there are 3 cases. He reviewed the adjacent counties' information.
- FISH has closed their schools due to large number of positive cases (62) until after Thanksgiving Holidays.
- 4,810 Gillespie County residents have been tested.

Kent Myers, City Manager, reported Mayor Neffendorf did extend the Mask Order. Last testing was 538 Gillespie County were testing and 72 resulted in positive which is a 13.2% rate.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he received a compliment Officer Luke Smith regarding his customer service and professionalism

5. PUBLIC COMMENTS

Mayor Kiehne reviewed the different ways the public could provide comments. He stated the City received one citizen who signed up for verbal comments and no written citizen comments.

Timothy Riley spoke via Zoom regarding processes the City uses for COVID-19. He thanked Gary Neffendorf for his leadership during his term as Mayor.

6. CONSENT

A. October 19, 2020, City Council Regular Meeting

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the City Council Minutes for October 19, 2020. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. PUBLIC HEARINGS

A. Hold a public hearing to receive citizen comments for or against a request from Justin Cop for a Conditional Use Permit to allow a Standardized Business in the Central Business District, CBD, per section 3.510 of the Zoning Ordinance located at 257 W. Main Street. (Z-2016) (Brian Jordan, Director of Development Services).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to open the Public Hearing at 6:20 p.m. The City Council voted five (5) for and none (0) opposed.

Brian Jordan, Development Services Director, stated Fredericksburg Reality, L.L.C. is looking to establish a business relationship with Compass Real Estate, a national real estate brokerage firm. The relationship has some requirements, and one of the requirements is a sign on the front door, and they are proposing the signage will not exceed 2 square feet.

Jessica Mittel spoke regarding setting a precedence with signage.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of the Public Hearing and back into the regular session at 6:25 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Hold a public hearing to receive citizen comments for or against a request from Whitney Koch on behalf of CMC Barons Creek, LTD., for a Zoning Change from CBD, Central Business District, to PUD, Planned Unit Development and consider a Conditional Use Permit, CUP to allow for multiple uses allowed by CBD located at 202 E. Ulfer Street (Z-2017) (Brian Jordan, Director of Development Services).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to open the Public Hearing at 6:38 p.m. The City Council voted five (5) for and none (0) opposed.

Whitney Koch, Mustard Designs, provided a PowerPoint of the proposed project and the design.

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

8. ORDINANCE AND RESOLUTION

- A. Consider the approval of Ordinance 2020-20 for a Zoning Change from CBD, Central Business District, to PUD, Planned Unit Development and consider a Conditional Use Permit, CUP to allow for multiple uses allowed by CBD located at 202 E. Ulfer Street (Z-2017) (Brian Jordan, Director of Development Services).**

Brian Jordan, Development Services Director, reviewed the history of the project. He also reviewed the requirements for the changes and density. He stated the Planning and Zoning Commission voted unanimously to recommend approval of this request with the following conditions:

1. Ground signs shall be a maximum height of 5',
 - a. Uses permitted in Building 01 shall be limited to apartment dwellings and uses permitted in Building 02 shall be any use allowed in the Central Business District.
 - b. P.U.D. Notes pertaining to the proposed trail along Baron's Creek be modified to state that the trail will be required as part of the project and be connected to the existing trail to the west.

He also noted that staff concurred with the recommendations of the Commission. Staff received three letters in opposition to the request.

The City Council discussed the park dedication, traffic study, height, parking issues, and crosswalk to Old Fair Park.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2020-20 and to include 1-18 listed below. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

1. *No building or structure shall be erected at any location in the PUD other than the building/structure locations shown on the PUD Plan, Exhibit "A".*
2. *Access from the PUD to Ufer Street and Llano Street shall be at the locations and widths shown on Exhibit "A".*
3. *Existing trees outside the developed area are proposed to remain if viable and non-diseased. New trees shown on the plan within the developable area are proposed, and final designs will be provided as part of the landscape plans to be submitted as part of the building permit package and will conform to the City Landscape Ordinance.*
4. *The City Landscape Ordinance shall apply to frontage along Lincoln Street. Ufer Street. and Llano Street.*
5. *A maximum of one ground sign shall be allowed for Building 01 and one ground sign for Building 02; refer to Exhibit "A" for proposed locations. Maximum sign area for each sign will be 35 square feet. Signs shall be a maximum of 3'-0" above the adjacent grade with a maximum height of 7'-6" above grade. Sign styles shall be consistent and coordinated with the associated building style. Wall signs shall conform to the City Sign Ordinance for integrated business developments. Wayfinding signs shall be provided as needed.*
6. *Fire hydrants shall meet N.F.P.A. requirements with proposed locations shown on Exhibit "A". Proposed locations shall be reviewed and approved by the Building/Fire Official and adjusted as needed per their recommendations.*
7. *Proposed uses to include those uses permitted within the Central Business District (CBD) chart in Section 3.220 of the City Zoning Ordinance.*
8. *No drive-through facilities will be allowed within the PUD*
9. *All utility lines within the PUD site shall be installed underground, except those installed by the utility company.*

10. *Any portion of the PUD that cannot be served by gravity flow to the existing City sewer line located adjacent to the PUD shall be served by a private sewer lift station installed, operated, and maintained by the owner. If required such lift station shall conform to all City ordinances, rules, and regulations.*
11. *Building heights shall not exceed 38 feet above the adjacent ground level. With the vertical distance from "grade" to the highest point of coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable on a pitched, or hipped roof, or if none of the preceding, then to the highest point of a structure. As applied to a building, the height shall be measured from an elevation derived from the average of the highest and lowest grade adjacent to the building, per Section 7.510 of the City Zoning Ordinance.*
12. *Perimeter fencing shall be installed as indicated on Exhibit "A"*
13. *Fire lanes as shown on the plat shall be marked on the ground and kept clear at all times so that the firefighting equipment and personnel can enter the premises.*
14. *Parking spaces shall be provided as shown on the plat. Street parking illustrated along Ufer Street is by others, and not part of this PUD Application.*
15. *All City Codes, Ordinances, and regulations shall apply to the PUD except as expressly provided to the contrary as shown on the PUD Plan, Exhibit "A" or in these notes and other notes to the plat.*
16. *The facade of the building shall be similar to the building elevations shown on Exhibit "B". The owner reserves the right to modify the building elevations in keeping with the original intent established by this PUD.*
17. *A "no detention" study will be completed by the owner's engineers as part of the building permit package. No issues are anticipated, mitigating the need for on-site detention.*
18. *Residential densities for proposed Building 01 shall be as indicated on PUD plan, Exhibit "A".*

B. Consider the approval of Ordinance 2020-21 creating a Joint Airport Zoning Board and investing Such Joint Airport Zoning Board with the powers such boards are authorized to exercise under the provisions of the Airport Zoning Act, Texas Local Government Code, §§241.001 et seq. and administer the Oath of Office (Clinton Bailey, Assistant City Manager/Director of Public Works).

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated during their regular meeting on November 25, 2019, the Gillespie County Commissioners approved the process of updating the airport zoning ordinance via a Joint Airport Zoning Board. Additionally, during the City Council and County Commissioners' joint meeting on February 28, 2020, both the Council and Commissioners agreed to move forward to the establishment of the Joint Airport Zoning Board. The Airport Zoning Ordinance was established to regulate and restrict the heights of structures and objects of natural growth around the airport to enhance aircraft safety in flight and objects on the ground.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to approve Ordinance 2020-21 and to include the appointments of Jerry Luckenbach and Bobby Watson to serve on the Board. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of Resolution 2020-20R approving the acquisition and financing of replacement electric utility meter equipment; and authorizing City Manager to execute necessary documents related to same (Laura Hollenbeak, Finance Director).

Laura Hollenbeck, Finance Director, stated the 2021 adopted City Electric Department Budget approved funding for lease-purchase payments for the acquisition of a new Advanced Metering Infrastructure (AMI) Electric Meter System, including electric meter equipment, software, and setup services. The purchase price of \$1,114,372.93 will be financed by the low bid received from U.S. Bancorp Government Leasing and Finance, Inc, with an interest rate of 1.01%.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Rickert, to approve Resolution 2020-20R approving the acquisition and financing of replacement electric utility meter equipment; and authorizing City Manager to execute necessary documents related to same. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of amendment to the Conditional Use Permit to allow a Standardized Business in the Central Business District, CBD, per section 3.510 of the Zoning Ordinance located at 257 W. Main Street. (Z-2016) (Brian Jordan, Director of Development Services).

Brian Jordan, Director of Development Services, reviewed the history of signage, Main Street, and the request. He noted that the Commission felt the request met the Standardized Business Ordinance requirements and voted unanimously to recommend the request's approval with the condition that the signage does not exceed 2 square feet in size.

Justin Cop, Fredericksburg Realty LLC, reviewed the request and the proposed placement of the signage.

The City Council discussed the request and the Planning and Zoning Commission's size recommendation for the sign.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Planning and Zoning Commission recommendation to approve the amendment to the Conditional Use Permit to allow a Standardized Business in the Central Business District, CBD, per section 3.510 of the Zoning Ordinance located at 257 W. Main Street and the recommend approval of the request with the condition that the signage does not exceed 2 square feet in size. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of purchase of the Advanced Metering Infrastructure (AMI) System electric meters through a lease purchase program with a five-year payment term (Kris Kneese, Assistant Public Works Director).

Kris Kneese, Assistant Public Works Director, stated in 2005, the City installed a new Advanced Metering Infrastructure (A.M.I.) system that provided Automatic Meter Reading (A.M.R.) for the electric and water meters. He noted that approximately 220 electric meters have failed over the past few months, resulting in utility staff manually reading the failed meters each month because the meters are not sending reads to the collectors (communication between electric meter and radio collectors in the field). On average, 25 to 40 additional meters fail each month.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the purchase of the Advanced Metering Infrastructure (AMI) System electric meters through a lease-purchase program with a five-year payment term. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of presentation of sidewalk improvements, prioritize projects for the upcoming year, and renew the construction contract from the previous year with Hazelett Concrete Contractors (Evan Williamson, P.E., Staff Engineer).

Evan Williamson, P.E., Staff Engineer, provided a PowerPoint presentation regarding the overview of the sidewalk improvements to date, present priority projects for the upcoming year, and renew the construction contract from the previous year. He noted staff recommends renewing the construction contract with Hazelett Concrete Contractors, the low bidder from the contract award in the fiscal year 2019, for the sidewalk program and other concrete flatwork improvements throughout the City.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the presentation of sidewalk improvements, the priority of projects for the upcoming year, and renew the construction contract with Hazelett Concrete Contractors. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider , discuss, and take appropriate action regarding moratorium for outdoor gathering of 75 or more (Jennifer Krupa, Special Events Coordinator).

Jennifer Krupa, Special Events Coordinator, stated the current moratorium expiration date on special events and outdoor gatherings on City-owned property of 75 or more people is today, November 16, 2020. In addition, outdoor gatherings of 10 to 75 people are required to submit a written health & safety plan for the Mayor to review and approve before moving forward.

The City Council discussed the need to extend the moratorium until December 31, 2020.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve the extension of the regarding moratorium for an outdoor gathering of 75 or more until December 31, 2020, and exclude the Jaycees Santa Day on County property and Volkssport Association Walk. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider, discuss, and take appropriate action regarding the selection of Mayor Pro Tem (Kent Myers, City Manager).

Kent Myers, City Manager, stated according to Section 3.05 of the City Charter, a Mayor Pro Tem shall be appointed at their first City Council Meeting following the City Election.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to appoint Jerry Luckenbach to serve as Mayor Pro Tem. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider, discuss, and take appropriate action on an update on City Financial Report (Kent Myers, City Manager).

Kent Myers, City Manager, provided the City Council with a Financial Report for the major funds. He reviewed the history of the COVID-19 impact on the economy and the adjustments that were made. He also noted that all funds are in excellent shape. He reported that the Auditors should provide the Audit Report in March or April of 2021.

G. Consider, discuss, and take appropriate action for the November 30th City Council Work Session (Kent Myers, City Manager).

Kent Myers, City Manager, provided the City Council with a draft list of items to be discussed in the November 30th and January Work Sessions. He stated the November 30 meeting will be held at the University Center and via Zoom from 8:30 a.m. till noon.

The City Council discussed the items to be discussed and added the Relief Route and Hot Tax Guidelines to the January meeting.

H. Consider, discuss, and take appropriate action on the announcement of Mayoral Appointment (Kent Myers, City Manager).

Mayor Kiehne announced the following appointments of the City Council:

Councilmember Luckenbach- Market Square Redevelopment Commission and County Liaison.

Councilmember Musselman – FISC Liaison and CVB.

Councilmember Rickert - Chamber of Commerce and Relief Route Task Force.

Councilmember Watson- EDC, Airport Board, and Relief Route Task Force.

10. ITEMS FOR FUTURE AGENDA

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

11. COUNCIL COMMENTS

Councilmember Musselman thank everyone for coming out to vote in the November 3, 2020 Election. He stated he is looking forward to moving forward and working with everyone.

Councilmember Watson thanked former Mayor Neffendorf for extending the Mask Order.

Mayor Kiehne thanked everyone for voting on November 3, 2020.

Councilmember Luckenbach stated he is looking forward to working with everyone.

12. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to adjourn the Monday, November 16, 2020, City Council Regular Meeting at 8:17 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL WORKSHOP MEETING NOVEMBER 30, 2020

The City of Fredericksburg City Council met in a workshop session on Monday, November 30, 2020, at 8:30 a.m. This meeting was held remotely via Zoom Teleconferencing, and in-person at the University Center-HEB Room, 2818 US 290 Fredericksburg, Texas. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman (participated via Zoom)
Councilmember Polly Rickert
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney (participated via Zoom)
Brian Jordan, Development Services Director
Lynn Bizzell, Fire Chief
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director (participated via Zoom)
Lea Feuge, Public Information Officer
Tammie Loth, Human Resource Director (participated via Zoom)
Laura Hollenbeck, Finance Director (participated via Zoom)
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator (participated via Zoom)
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the workshop meeting of the Fredericksburg City Council to order at 8:30 a.m. on Monday, November 30, 2020, in person at the University Center-HEB Room via Zoom Teleconference. Mayor Kiehne announced a quorum of the City Council present.

2. PUBLIC COMMENTS

George Studor spoke regarding the COVID-19 reporting tool and how other cities use their reporting tool.

Mary Studor spoke regarding the process used when residents call in and need to speak to the Mayor regarding concerns.

3. WORKSHOP ITEMS – The following items will be considered, discussed, and take appropriate action on:

A. Report on City Annexation Plan and the Annexation of the Cherry Street/Post Oak Road area (Brian Jordan, Development Services Director).

Brian Jordan, Development Services Director, reviewed the Annexation Plan for Post Oak Road/Cherry Street extension and the Plan's properties. He also noted the City Council identified Cherry Street's extension and improvements to Post Oak Road as one of four roadway priority projects in the Transportation Master Plan and associated Traffic Impact Study. He reviewed the history of the prioritized seven areas in Resolution 2019-06R.

Kent Myers, City Manager, stated the Traffic Study showing improvements needed to Cherry Street. Therefore, we need to know whether to proceed with the annexation.

The City Council discussed the Traffic Study as related to Cherry Street and the zoning of the proposed annexed area. They agreed by consensus to move forward with the proposed annexation calendar for the approval process.

B. Report on possible changes to Short-Term Rental (STR) Regulations (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the Short-Term Rental (STR) program's history and the need for the Short-Term Rental Ordinance. He stated the Ordinance has addressed the previous issues. The staff has identified 12 items that they feel should be discussed.

The City Council okay moving forward with:

1. Permitting and inspections changed to 24 months rather than 12 months.
2. Allowing for third-party inspection.
3. Redefining permit fee as permit application fee.
4. Establishing a 60-day deadline for renewal of permit and completion of inspection with late fees applying after 60 days.

The City Council wanted to revisit the following:

1. Parking issues in R-1 issues.
2. Allowing for small (no more than 4 squares feet) signs with the name and address of the STR.
3. Restrict the number of STRs that can be permitted in R-1 areas.

C. Report on the Status of City Noise Ordinance (Steve Wetz, Police Chief)

Steve Wetz, Police Chief, provided a PowerPoint presentation on the Sound Ordinance.

The City Council discussed and requested the Police Department find different ways to educate the public regarding Noise Ordinance.

D. Report on Strategic Issues to Address in City Five-Year Financial Plan (Kent Myers, City Manager).

Kent Myers, City Manager, stated every year, the City develops a detailed budget that guides the collection of revenues and incurring of expenses for the next 12 months. This year, he noted we want to develop a five-year financial plan, which will help with long-term planning. He stated this item is to get City Council's input on identifying major strategic issues facing the community in the next five-years.

Councilmember Rickert stated the following:

- The City needs to conduct a Swat Analysis to reflect the City's strengths and weaknesses.

- Construction methods, land cost, land density, and manufactured homes to help address affordable housing issues.

Councilmember Watson stated the following:

- Salaries and benefits for City employees
- Affordable Housing
- Parks and Sports Park; look at maintenance and a facility for the youth.

Councilmember Musselman stated the following:

- 31/2% Tax Cap and the issues the City will face.
- Bonds and Debt

Councilmember Luckenbach stated the following:

- Affordable Housing and consider the possibility of manufactured homes.
- Get more involvement from Gillespie County

Mayor Kiehne stated the following:

- Affordable Housing and not subsidized Housing
- Work with County and private individuals on more partnership projects.
- Sports Park is critical, but no bond.

E. Report on Employee Salaries and Benefits (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the history of the FY2021 Budget discussion related to employee salaries and benefits. He noted the City Council agreed to revisit this item once we had a better handle on our financial situation. He provided the reasons for the discussion and the deadlines for TMRS. He also reviewed the history of TMRS benefits, TMRS Plan Change Study, budget impact, comparison of Retirement Benefits, and the questions submitted from Councilmember Musselman.

Collin Davidson, TMRS, reviewed the different rates (retirement rate and Update Service Credit). He also reviewed the process used when reviewing all employee rates.

The City Council discussed the possibility of a retirement increase from 6% to 7%. They also discussed the impact an increase will have on the City in the years to come. They agreed by consensus to put the TMRS benefits on the next City Council agenda.

4. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to adjourn the Monday, November 30, 2020, City Council Work Session Meeting at 11:24 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: December 21, 2020

TO: Mayor and City Council

FROM: Garret Bonn, P.E., CFM

SUBJECT: Proposed Speed Limit Changes on US 290W

Summary:

Consider the approval of an Ordinance modifying speed limits on US 290W within the city limits of the City of Fredericksburg, pursuant to Section 545.356, Texas Transportation Code; providing penalties up to \$200.00; providing an effective date, repealer, severability, and proper notice and meeting (first of two readings; City Council may waive second reading).

Recommendation:

Approval of the Ordinance as presented.

Background / Analysis:

In response to several citizen requests and in conjunction with the recent changes to the speed limits on W. Main St/US 87N (City Ordinance 2020-13; Approved 05/18/20), the Texas Department of Transportation (TxDOT) conducted a speed study on along the US 290W corridor. Speed limits on Texas highways are set by the 85th percentile method, which represents the speed the majority of drivers will be traveling at or below. Speed checks are conducted to determine the 85th percentile speed. The observed free-flowing speed for vehicles is tallied and the 85th percentile speed is calculated using gathered information.

Based on the results of the study and recent crash data in the area, TxDOT is proposing to lower the speed limit as follows:

The City of Fredericksburg

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

- Eastbound Traffic (Inbound) from the City Limit Line at Barons Creek to the Western Intersection with US 87N (the "Y") – lower from 55 mph to 50 mph.
- Westbound Traffic (Outbound) from the Western Intersection with US 87N (the "Y") to the City Limit line at Barons Creek – lower from 55 mph to 50 mph.

A map detailing the proposed changes is attached. Due to increased traffic along W. Main and associated side streets along with current and planned developments in the area, reduced speeds in this corridor will improve vehicular and pedestrian safety.

City staff has reviewed the attached ordinance and recommends approval.

Attachments:

Map

Ordinance

Department Approval


City Attorney Approval


City Manager Approval

The City of Fredericksburg

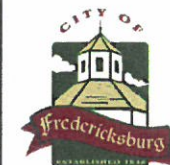
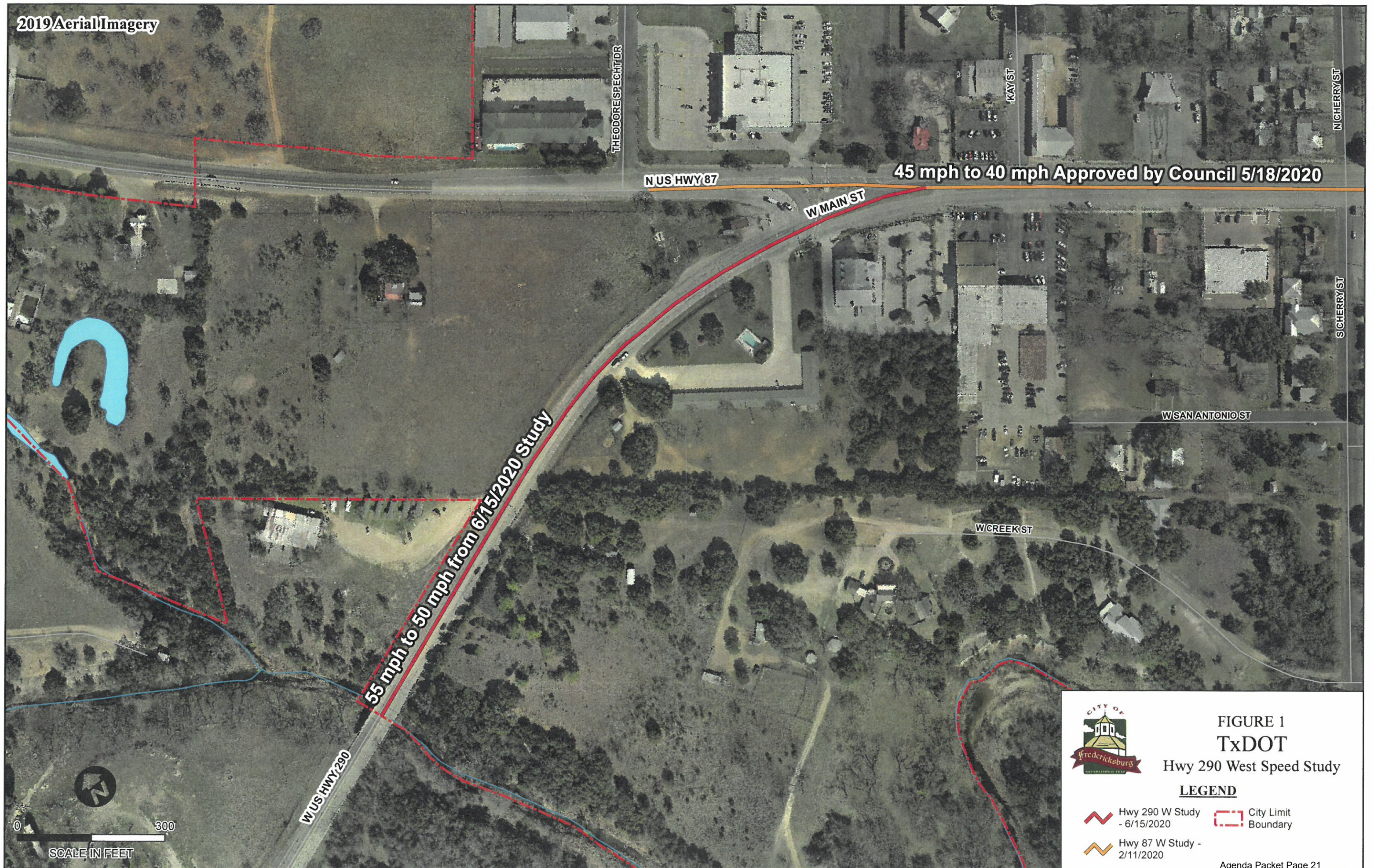


FIGURE 1
TxDOT
Hwy 290 West Speed Study

LEGEND

- Hwy 290 W Study - 6/15/2020
- Hwy 87 W Study - 2/11/2020
- City Limit Boundary

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE V – SPEED REGULATIONS, OF CHAPTER 44 - TRAFFIC AND MOTOR VEHICLES - OF THE CODE OF ORDINANCES, TO AMEND THE MAXIMUM SPEED LIMIT FOR THE FAR WESTERN PORTION OF US 290 WITHIN THE CITY LIMITS, DETERMINED UPON THE BASIS OF AN ENGINEERING AND TRAFFIC STUDY FOR SAID ROADWAY.

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

Section 1. That, Chapter 44 - TRAFFIC AND MOTOR VEHICLES, of the Code of Ordinances, is hereby amended by addition of a Section 44-147(c) as follows:

Sec. 44-147. - Designation of maximum speed limits on specific City streets.

(c) It is hereby determined that the prima facie maximum speed limit on certain portions of US 290 routed within the City limits, is hereby stated as follows, which prima facie maximum speed limit shall be effective at all times, and signs will be erected giving notice of the prima facie maximum speed limit so declared, to wit:

FOR EASTBOUND TRAFFIC

Beginning at milepoint 35.247 (West City Limits – Barons Creek) to milepoint 35.436 (At the Western intersection with US 87), a distance of 0.189 miles, a prima facie maximum speed limit of 50 miles per hour.

FOR WESTBOUND TRAFFIC

Beginning at milepoint 35.436 (At the Western intersection with US 87) to milepoint 35.247 (West City Limits – Barons Creek), a distance of 0.189 miles, a prima facie maximum speed limit of 50 miles per hour.

{End of code text}

Section 2. 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 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective on and after the date of passage and publication, and the posting of signs giving notice of the prima facie maximum speed limit so declared.

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



CITY COUNCIL MEMO

DATE: December 14, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Employee Salaries and Benefits

Summary:

Based upon City Council direction at your recent Work Session and the previous City Council meeting, the attached ordinance is being presented for a second reading. If approved, this would increase the TMRS deposit rate for both the City and employees from 6% to 7%. As explained in the attached letter from TMRS, in order to approve this increase, the Council needs to reapprove the current provisions in our TMRS program covering updated service credits and CPI increases. These provisions, along with the increase from 6% to 7%, are included in the attached ordinance.

In addition to the discussion on TMRS benefits, Council Member Rickert is proposing that, instead of approval of this change in TMRS benefits, the Council should consider approval of one-time employee bonus. The Mayor has agreed to add this discussion as part of Monday's meeting. Her proposal, which is attached, was recently received by the City. City staff has not had an opportunity to review this proposal, but we should be able to review it prior to Monday's Council meeting. The City Attorney has indicated that employee bonuses cannot be awarded retroactively so, if this bonus was approved for the month of January, it would be awarded at the end of January.

Recommendation:

Based upon some of the factors discussed at the Work Session and the additional information that has been sent to the City Council since the recent Work Session, it is recommended that the TMRS ordinance be approved. However, if the ordinance is not approved, then it is recommended that an optional program such as employee bonuses be considered.

The City of Fredericksburg

Background / Analysis:

Detailed information has been provided to the City Council on this topic during the past month. If you have any additional questions regarding the City's ability to finance this increase, you are encouraged to contact Laura for her insight.

Attachments:

Letter from TMRS

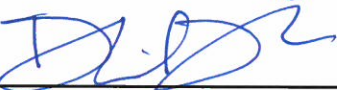
Ordinance approving changes in TMRS benefits

Plan Change Study Report from TMRS

Proposal for Employee Bonuses



Department Approval



City Attorney Approval



City Manager Approval

The City of Fredericksburg



November 30, 2020

Via E-Mail
Ms. Tammie Loth
Human Resource Director
City of Fredericksburg
126 West Main
Fredericksburg, TX 78624

Dear Ms. Loth:

We are pleased to enclose a model ordinance for your city to adopt:

***7% Employee Deposit Rate
100% Updated Service Credits, including Transfers, and
50% of CPI Increase to Annuitants***

By statute, when a city changes its employee deposit rate and the city currently offers Updated Service Credits (USC)/Annuity Increases on an annually repeating basis, the city must re-adopt these annually repeating provisions. This re-adoption is necessary because there are new USC costs associated with the new provisions. Therefore, the enclosed ordinance includes the city's re-adoption of these benefits.

By adopting this ordinance, your city will not need to adopt an ordinance each year to re-authorize calculation of these benefits. The USC/Annuity Increase will remain in effect for future years until it is discontinued by an ordinance adopted by the City Council.

With the adoption of these additional benefits your city's contribution rate for beginning January 1, 2021 will be **22.11%**.

We will appreciate receiving a copy of this ordinance as soon as possible after its adoption.

Please feel free to contact me at 1-800-924-8677 if you need assistance or additional information.

Sincerely,

A handwritten signature in blue ink that reads 'Eric W. Davis'.

Eric W. Davis
Chief Service Officer



ORDINANCE 2020-22

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE IN THE EMPLOYMENT OF THE CITY OF FREDERICKSBURG; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

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

Section 1. Authorization of Updated Service Credits.

- (a) On the terms and conditions set out in Sections 853.401 through 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date had at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of the TMRS Act).
- (b) On the terms and conditions set out in Section 853.601 of the TMRS Act, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on the 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said Section 853.601, both as to the initial grant hereunder and all future grants under this ordinance.
- (c) The Updated Service Credit hereby allowed and provided for shall be **100%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of the TMRS Act).
- (d) Each Updated Service Credit allowed hereunder shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.
- (e) In accordance with the provisions of subsection (d) of Section 853.401 of the TMRS Act, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this ordinance on the full amount of such person's compensation as an employee of the City.

Section 2. Increase in Retirement Annuities.

- (a) On terms and conditions set out in Section 854.203 of the TMRS Act, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.
- (b) The amount of the annuity increase under this Section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **50%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this Section.
- (c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.
- (d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.
- (e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the benefit accumulation fund of the System.

Section 3. Dates of Allowances and Increases. The initial allowance of Updated Service Credit and Increase in Retirement Annuities hereunder shall be effective on **January 1, 2021**, subject to approval by the Board of Trustees of the System. An allowance of Updated Service Credits and an increase in retirement annuities shall be made hereunder on January 1 of each subsequent year until this ordinance ceases to be in effect under subsection (e) of Section 853.404 of the TMRS Act, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in subsection (d) of Section 853.404 of the TMRS Act.

BE IT FURTHER ORDAINED:

Increased Deposit Rate: All employees of the City, who are members of the Texas Municipal Retirement System, shall make deposits to the System at the rate of **7%** of their individual earnings effective **1st day of January, 2021**.

Effective Date. Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the **1st day of January 20_____**.

Passed and approved this the _____ day of _____, 20_____.

ATTEST:

APPROVED:

City Secretary or Clerk

Mayor



Plan Change Study

00480 Fredericksburg

GRID 2021

For Informational Purposes Only
Effective Date - January 1, 2021 ✓
Report Date - November 30, 2020

Proposed Plans

<u>Plan Provisions</u>		<u>Current</u>	
Deposit Rate		6.00%	7.00% -
Matching Ratio		2 to 1	2 to 1
Updated Service Credit		100% (Repeating)	100% (Repeating) -
Transfer USC **		Yes	Yes -
Annuity Increase		50% (Repeating)	50% (Repeating) -
20 Year/Any Age Ret.		Yes	Yes
Vesting		5 years	5 years
<u>Contribution Rates</u>		2021	2021
Normal Cost Rate		8.58%	10.15%
Prior Service Rate		8.34%	11.72%
Retirement Rate		16.92%	21.87%
Supplemental Death Rate		0.24% (A & R)	0.24% (A & R)
Total Rate		17.16%	22.11% -
Unfunded Actuarial Liability		\$11,423,345	\$16,355,717
Amortization Period		20 years	20 years
Funded Ratio		79.2%	72.7%
Phase-In Total Rate		N/A	N/A

**This is the addition to the Initial Prior Service Rate for USC for transfers. There were 12 eligible transfer employees on the valuation date.

CARES Bonus in lieu of TMRS increase

In lieu of an increase in the TMRS contribution, I move to provide a one-time total budgeted payment, inclusive of all related costs such as employer payroll taxes and other contributions, of \$2,200.00 to each City employee.

Background:

Our current economic condition is uncertain, and we will not know the strength or resilience of our local economy until at least the second quarter of 2021. We received CARES funding of \$507,000, which is a one-time payment. We also need to model out the impact of the 3.5% limit on annual property tax increases.

Compensation is over 22% of our City Budget, and warrants its own workshop annually, with results included in the annual budget process.

In reviewing the latest compensation study completed by Marble Falls:

Fredericksburg total compensation is either in line with or above midpoint, with the following exceptions: AP Clerk is 10% below midpoint, Part Time Firefighter is 20% below midpoint, Patrol Officer is 1.4% below midpoint, City Manager is 2% below midpoint. This is even with the TMRS contribution of 6% rather than 7%.

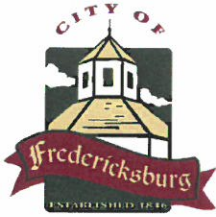
The following positions have total compensation significantly above the midpoint: Street Superintendent 21%, Maintenance Technician 31%, Communications Officer 55%.

Incentive Pay information in the Marble Falls report indicates that we have room for improvement, and don't provide incentives in many areas where other cities do so. This should be evaluated and adjusted as part of a total compensation review and workshop.

Recommendation:

In addition to the one-time payment, I recommend the following:

1. Complete an all-employee total compensation survey and City Council workshop to evaluate total compensation levels and competitiveness of each department and position using completed studies from other cities;
2. Complete a 5-year plan, including a formal compensation plan;
3. Including all identified compensation competitiveness adjustments in 2021-22 budget.



CITY COUNCIL MEMO

DATE: December 14, 2020

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Additional PTO Carryover-Police and Fire/EMS Departments

Summary:

The City provides paid time off (PTO) time for City employees that covers time away from work for vacations, sicknesses, school activities, taking care of children or other purposes. According to our personnel policies, the PTO ranges from 12 days a year for the first year of employment to 27 days per year for an employee who has been with the City for 25 years or more.

The maximum amount of PTO time that an employee may carryover from December 31 to January 1 of each year is 480 hours (60 days).

With the recent impacts from the pandemic to the personnel in the Police and Fire/EMS departments, some of these employees have not be able to use their PTO this year. This includes four employees in the Police Department and four employees in the Fire Department. As an example, in the Fire/EMS Department, all PTO time was suspended during the first 60 days of the pandemic. Employees have also had to be quarantined in these departments which has decreased the ability of personnel to take time off. Other City departments have been able to provide their employees the opportunity to take PTO time during the pandemic.

At the previous City Council meeting, the Council discussed the possibility of paying the employees for this excess PYO. If this option is approved, it would likely require a budget amendment later this year. The amount of excess PTO and the payment that would be owed to the employees includes the following:

The City of Fredericksburg

Police Department

Chris Ayala-61 hours-\$2055.70

Micky Moellering-154 hours-\$4,082.54

Preston Schmidt-76 hours-\$1,909.88

Chris Torres-81.50 hours-\$2,446.63

Fire/EMS Department

Austin Dreyer-100 hours-\$1,749.00

Amy Burrier-127 hours-\$2,231.39

Romney Kowert-168 hours-\$4,057.20

Catherine Kuhlmann-150 hours-\$3,099.00

Recommendation:

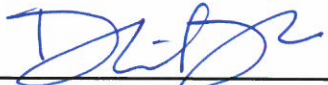
It is recommended that the City Council approve a motion authorizing either (1) a one-year exemption to allow these employees to carry over more than 480 hours of PTO; (2) payment of the excess employee PTO or (3) allowing the employees the option of either taking payment or carrying over the excess PTO.

Background / Analysis:

Attachments:


Department Approval


City Manager Approval


City Attorney Approval

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: December 21, 2020

TO: Mayor and City Council

FROM: Kris Kneese, P.E. – Assistant Director of Public Works and Utilities

SUBJECT: Release of Easement

Summary:

Said easement was used to access the old Achtzen water well at Boot Ranch, which is no longer there.

Recommendation:

City Staff recommends releasing access easement.

Background / Analysis:

Prior to the Boot Ranch development, the City used said easement to access the City's old Achtzen water well site. As part of the development, the developer relocated the water well and constructed paved roads to access the new well. As a result, said access easement, as shown in the attached, is no longer used by the City.

In accordance with the attached letter dated April 2005, it was the City's intent to release said access easement after the developer completed the construction of the new water wells.

Attachments:

Boot Ranch Phase 1 – Portion of Plat

The City of Fredericksburg

Achtzen Well - Letter of Intent
Release of Easement



Department Approval



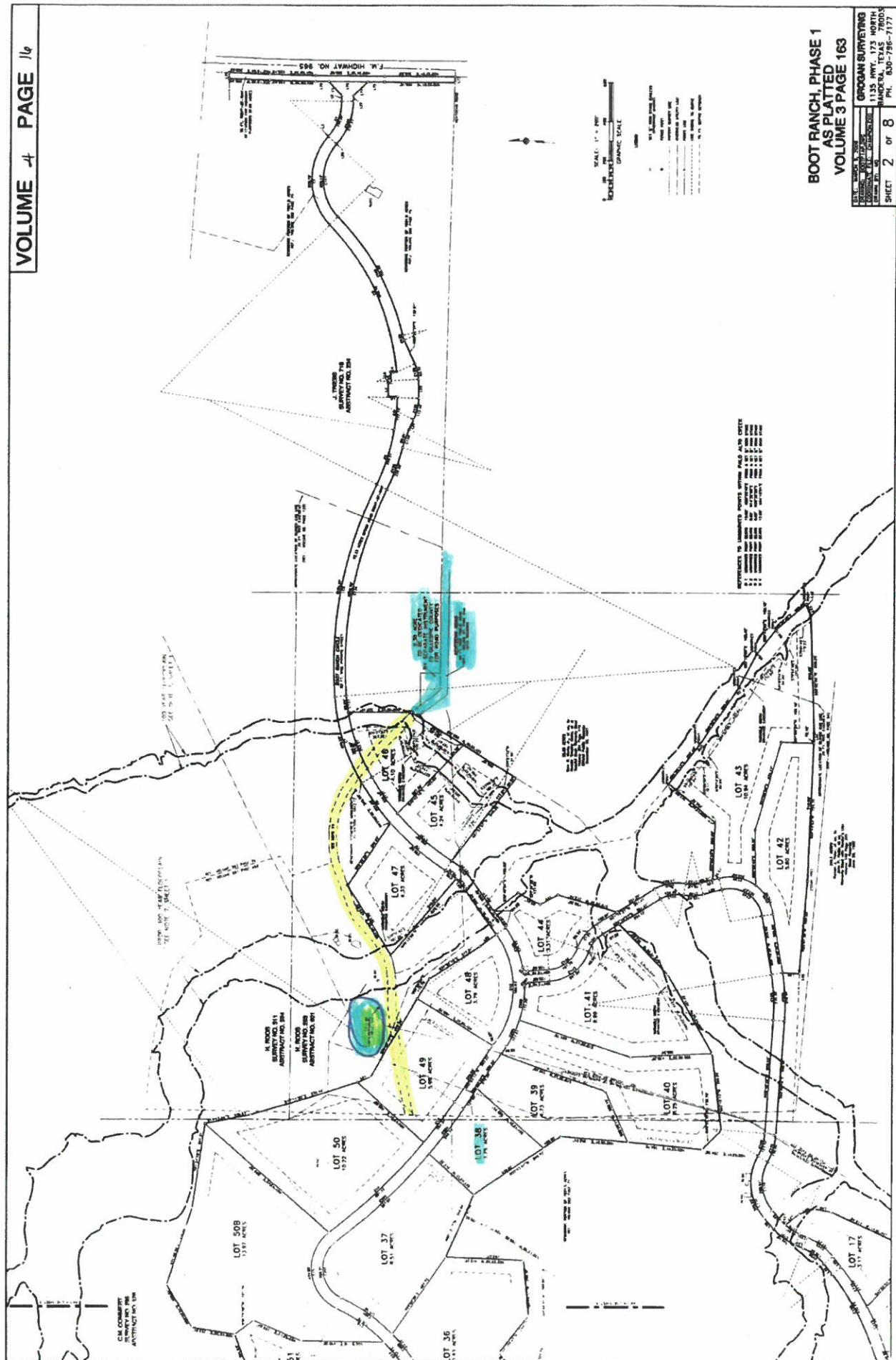
City Manager Approval



City Attorney Approval

The City of Fredericksburg

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LETTER OF INTENT

This Letter of Intent is entered into by and between the City of Fredericksburg (hereinafter called "City") and Boot Ranch Development, L.P., a Texas Limited Partnership (hereinafter called "Developer").

Reference is herein made to that WATER AND SEWER AGREEMENT UTILITY CONSTRUCTION CONTRACT by and between the City and Developer executed the ____ day of April, 2005, wherein the City and Developer have entered into an agreement to provide for the construction and completion of certain infrastructure in order to facilitate the provision of water and sewer service from the City of Fredericksburg to the Boot Ranch development.

Whereas, in order to complete the overall understanding and agreement of City and Developer as it relates to the Boot Ranch Development as described in the Agreement and in order to enhance the mutual benefits to the City and Developer, they wish to make provision for the future exchange of water wells and release by the City of certain water easement rights.

Whereas, certain further improvements and completions are required prior to the exchange of water wells and the City releasing certain water easement rights, the City and Developer wish to enter into an agreement to provide for the future exchange of water wells, both City and Developer pledging to each other their intent to carry out the terms and provisions of this Letter of Intent in good faith and timely manner.

Now, Therefore, the parties agree as follows:

1. At such time that Developer upon (1) design and completion of a new water well; (2) upon Developer under City supervision, testing the new well and confirming that it meets its requirements as it relates to capacity and potability; and (3) upon TCEQ's approval of the new well for purposes of uniting it to the City's existing water distribution system, the City agrees to deed to Developer its existing well on the project site which is currently known as the "Achtzen" well and further, to remove the Achtzen well from the City's water system.
2. Upon the City's conveyance to the Developer of the Achtzen well site, the Developer will convey to the City the new water well site (of like size and dimension) established on the project site, together with rights of ingress and egress along a specific insurable location, same having met all the requirements as set forth in Section 1. hereof, and further having been approved by the Gillespie County Underground Water District to substitute the new well as a "grandfathered well", with regards to pumpage rules and other applicable criteria. Further Developer agrees to grant to City a fee tract of fifty feet by fifty feet (50'X50') surrounding the well and a one hundred foot (100') sanitary easement surrounding the fee tract, same to contain such terms and provisions satisfactory to the City in order to comply with TCEQ's requirements.
3. At such time that the Developer drills and conveys two (2) additional wells ("Test

Wells") to the City, along with the water rights related thereto, together with similar rights of ingress and egress to the well sites, together with a fee tract of fifty feet by fifty feet (50'X50') and a one hundred foot (100') sanitary easement surrounding the fee tract, said wells being acceptable to the City in terms of the potability of the water and capacity of the well, spaced according to, and meeting, the Gillespie County Underground Water District regulations, and with setback lines established regarding the location of future wells in accordance with the requirements of the Gillespie County Underground Water District, the City will release and convey all of its water rights and access thereto of the 43 acres surrounding the Achtzen well. In addition to the conveyance of the fifty feet by fifty feet (50'X50') well sites, granting insurable ingress and egress to the well sites, granting a one hundred foot (100') sanitary easement, Developer will grant to City insurable utility easements for purposes of constructing a water main from the well site to existing mains on the storage tank site.

4. The City and Developer will each supply title policies to the other in connection with the transfer of the water well sites. The values set forth in the title policies shall be mutually agreed to by the parties hereto.
5. In the event the parties fail to complete the agreements hereof neither party shall have any cause of action against the other.

Executed this ____ day of February, 2005.

CITY:

CITY OF FREDERICKSBURG

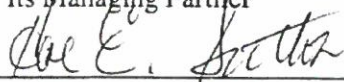
BY: 
GERALD NORTHOFF, CITY MANAGER
(Printed Name and Title)

DEVELOPER:

BOOT RANCH DEVELOPMENT, L.P.
A TEXAS LIMITED PARTNERSHIP

By: Boot Ranch Management, L.P.
Its General Partner

By: Boot Ranch Management, L.L.C.
Its Managing Partner

By: 
HAL E. SUTTON, Manager

CITY OF FREDERICKSBURG

TO

THE PUBLIC

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

RELEASE OF EASEMENT

This Release of Easement (the "**Release**"), dated _____, 2020 is executed by the CITY OF FREDERICKSBURG ("**Holder**").

RECITALS

WHEREAS, an easement interest was conveyed to Holder in that certain Easement Agreement dated April 3, 2005, recorded in Volume 594, Page 482-487 of the Official Public Records of Gillespie County, Texas, ("**Easement**"); and

WHEREAS, Holder is a current owner with legal right of access to the Easement.

NOW THEREFORE, Holder, for the mutual covenants and consideration otherwise acknowledged, abandons, terminates and releases all of Holder's right, title and interest in and to the Easement.

EXECUTED this the _____ day of _____, 2020.

CITY OF FREDERICKSBURG

By: _____

(Printed Name and Title)

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2020, by _____ of the CITY OF FREDERICKSBURG.

Notary Public in and for the
State of Texas



CITY COUNCIL MEMO

DATE: December 14, 2020

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Moratorium on Special Events and Outdoor Gatherings of 75 or more

Summary:

The expiration date for the current moratorium on special events and outdoor gatherings on City-owned property of 75 or more people is December 31, 2020. In addition, outdoor gatherings of 10 to 75 people are required to submit a written health & safety plan for the mayor to review and approve before moving forward.

Also, three upcoming events listed below have submitted health & safety plans for review and approval to move forward, even if the moratorium is extended.

- City council should determine whether to allow the Parks & Recreation Department to stock the creek at Lady Bird Johnson Municipal Park and promote a socially distanced fishing event for children, also known as Kid Fish, the third full week of January 2021, based upon the information included in the attached health & safety plan;
- City council should determine whether to allow the Hill Country Indian Artifact Show to take place at the Pioneer Pavilion on Saturday, January 23, 2021, based upon the information included in the attached health & safety plan; and
- City council should determine whether to allow the St. Mary's Catholic Schools Week Parade to take place on San Antonio Street on Monday, February 1, 2021, based upon the information included in the attached health & safety plan.

The City of Fredericksburg

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

Recommendation:

City council should consider adoption of a motion to permit Kid Fish, the Hill Country Indian Artifact Show, and St. Mary's Catholic Schools Week Parade to move forward following the attached health & safety plans and extend the current moratorium on special events and outdoor gatherings of 75 or more through February 28, 2021. In addition, outdoor gatherings of 10 to 75 people will be required to submit a written health & safety plan for the mayor to approve before moving forward.

Background / Analysis:

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

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

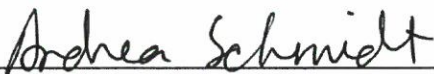
At the October 19th city council meeting, the moratorium was extended to November 16, 2020.

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

The Daddy Daughter Dance can be postponed to later in the year should the COVID situation improve. Staff is confident they can plan and execute the event in a short amount of time.

Attachments:

January 2021 – March 2021 Special Event Calendar; Health & Safety Plans for Kid Fish, Hill Country Indian Artifact Show, and St. Mary's Catholic Schools Week Parade



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg



The City of Fredericksburg

January – March 2021 Special Events Calendar

Parks & Recreation Department

JANUARY

Friday, Jan 1: Volkssport Association Walk

Sunday, January 3: Eisbahn closes

Saturday, January 16: Hill Country Gem & Mineral Show

Sunday, January 17: Hill Country Gem & Mineral Show

Saturday, January 23: Hill Country Indian Artifact Show

Saturday, January 23: Kid Fish: Rainbow Trout (PARD event)

LOCATION

Cross Mountain, Downtown, Cemeteries

Marktplatz: Kinder Halle

LBJMP: Pioneer Pavilion

LBJMP: Pioneer Pavilion

LBJMP: Pioneer Pavilion

LBJMP: Pav. 4 (near driving range)

FEBRUARY

Monday, February 1: St. Mary's Catholic School Week Parade

Friday, February 5: Daddy Daughter Dance (PARD event)

Parade route: San Antonio St.

LBJMP: Pioneer Pavilion

MARCH

Sunday, March 14: Spring Break activities begin

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

Saturday, March 20: Last day of spring break activities

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

Saturday, March 27: Hill Country Indian Artifact Show

Sunday, March 28 : Palms in the Platz (FBG UMC)

Saturday, Date T.B.D.: Wounded Warriors at NEBO

Fort Martin Scott

Marktplatz: Adelsverein Halle/Race route

Fort Martin Scott

Marktplatz: Kinder, Annex, BLC Lot, Austin St.

LBJMP: Pioneer Pavilion

Marktplatz: Adelsverein Halle & kitchen

Marktplatz: Kinder Halle (first-come, first serve)

SPECIAL EVENT MORATORIUM EXPIRES DECEMBER 31, 2020

KEY

Events in green have been approved by City Council

Events in blue have submitted a written health & safety plan for review

Events in red are internal Parks & Recreation or City produced events

Events marked "strikethrough" have been canceled by the event organizer



Fredericksburg Parks & Recreation

Health & Safety Plan

Kid Fish 2021

Who: Fredericksburg Parks & Recreation Department (PARD)

What: Kid Fish

When: Anytime starting Friday, January 22, 2021 until Sunday, January 24, 2021*

Where: Creek at Lady Bird Johnson Municipal Park

Health & Safety Plan Details:

- PARD will work with Texas Parks & Wildlife to stock the creek to the north of the bridge to the golf course with rainbow trout;
- PARD will promote the fishing event on multiple days as soon as the trout have been stocked and encourage youth to come out with their parents to fish;
- PARD will not have any booths or stations, this will be an event for individuals to participate in on their own or with members of their family;
- PARD will remind participants of the following:
 - Individuals should maintain 6 feet of separation from others outside the individual's group;
 - Remind individuals they cannot be in groups larger than 10 people;
 - Participants must self-screen for COVID symptoms before visiting the park and stay home if feeling sick;
 - Participants must wash their hands frequently (restrooms at Pavilion #4 or other locations around the park);
 - Participants must wear masks when they cannot safely physically distance from members of their own household;
 - Discourage those aged 65 & older from attending;
 - Remind participants to clean & sanitize fishing equipment frequently.

***Dates are subject to change based on date of trout stocking**



Rob Bartell
P.O. Box 1384
Ingram, TX 78025
830-329-2636
rob@hillcountryindianartifacts.com
www.hillcountryindianartifacts.com



December 13, 2020

Hill Country Indian Artifacts

Hill Country Indian Artifacts have been doing vendor shows, 3 times a year, since 2010.

- Average attendance is between 300-500 people
- Average vendor attendance is between 40-50 vendors
- Projected show date: January 23, 2021
- Hours of operation: Friday setup: 10:00 am – 4:00 pm
Saturday show: 8:00 am – 4:00 pm

COVID Safety Plan

- Temperature check upon entering the building
- Large hand pump sanitizers available upon entry & exit
- Mandatory mask mandate
- Masks & 2 oz. personal sanitizers will be given to every vendor
- Security will be on site during show hours

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Rob Bartell
Hill Country Indian Artifacts
rob@hillcountryindianartifacts.com
www.hillcountryindianartifacts.com

Covid Health and Safety Plan for St. Mary's Catholic Schools Week Parade

Projected Date for Parade: Monday, February 1, 2021
2:45-3:15 PM

Students will walk the parade route observing social distance or remaining in their family groups. SMS has approximately 300 students and 40 students who will participate in the walking parade. Students will adhere to the mask wearing policy established by school officials.

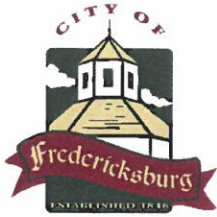
Staging for the parade will be on the north, west, and south side of the Holy Family Center. Observance of social distancing will be enforced. Alcohol hand cleaner will be available for hand washing as needed.

Spectators of the parade will be invited along the parade route. Spectators will be advised to observe social distancing or remain in their vehicles. It is important to note that fewer than 30 parents attend our 15-minute outside parade during Catholic Schools Week.

Parade route is along San Antonio Street from the Holy Family Center to Adams St.

This is a small parade to recognize the students and staff of SMS and to celebrate Catholic Schools Week.

Thank you for your consideration.



CITY COUNCIL MEMO

DATE: December 14, 2020

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: City Holiday Schedule

Summary:

The City Council should approve the City Holiday schedule for 2021.

Recommendation:

It is recommended that the following 2021 City Holiday schedule be approved.

Background / Analysis:

Every year the City Council approves the holiday schedule for the next year. Last year the City Council voted to add the Martin Luther King Holiday. Based upon this previous Council action, the attached schedule includes the continuation of this Holiday in 2021.

Attachments:


Department Approval


City Manager Approval

The City of Fredericksburg

ps. 2 - City Holiday memo



City Attorney Approval

The City of Fredericksburg

2021 City of Fredericksburg Employee Holiday Schedule

New Year's Day	Friday, January 1, 2021
Martin Luther King Day	Monday, January 18, 2021 *
Good Friday	Friday, April 2, 2021
Memorial Day	Monday, May 31, 2021
Independence Day	Monday, July 5, 2021 *
County Fair Day	Friday, August 27, 2021
Labor Day	Monday, September 6, 2021 *
Veterans Day	Thursday, November 11, 2021
Thanksgiving	Thursday, November 25, 2021 Friday, November 26, 2021
Christmas Eve	Friday, December 24, 2021
Christmas Day	Thursday, December 23, 2021

*City Council Meeting will move to the next day (Tuesday).



CITY COUNCIL MEMO

DATE: December 21, 2020

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider approving bid and purchase of playground equipment at Marktplatz

Summary:

Previously City Council approved the Market Square Redevelopment Commission to make improvements to the northwest corner of Market Square. These improvements are to include the replacement of the playground, converting the bank drive thru to a multipurpose room for meetings or private events, adding restrooms, a visitor's kiosk, landscaping, and sidewalks with a total cost of approximately \$1.4 million. The first phase of the project is to replace the playground.

The city has received grant funds of \$60,083.92 from Game Time so the total cost including installation is \$218,117.90. The grant funds are available through March 31, 2021. If the order is placed prior to the end of this year, then we will receive 2020 pricing and save \$14,000. If we place the order after the end of the year, then the new 2021 pricing will be in affect and we can expect an approximate 5% increase or an additional \$14,000.

The City budgeted \$87,000 toward the purchase of the playground with city crews removing the existing playground. The Commission has raised the remaining \$131,117.90 of which much is through pledges over the next three years. Approximately \$57,503.94 is in the Community Foundation account now and the remaining \$73,613.96 has been pledged.

We still expect about \$18,200 in pledges to come in over the next couple of months while the rest will be due over the following two years. Due to these pledges being made over three years, the city will need to advance the pledged amount that has not been paid as of today which will be a maximum of \$73,613.96. These funds will come from the general fund reserves which will require a budget

The City of Fredericksburg

amendment. This budget amendment will be brought to City Council next year and will be no more than \$56,000.

Recommendation:

City Council should consider adoption of a motion to approve the purchase of the playground from Game Time for a total of \$218,117.90 to include accepting grant funding in the amount of \$60,083.92 and advancing the Commission no more than \$73,613.96 for pledges made over the next three years.

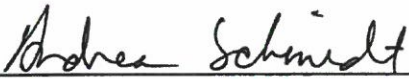
Background / Analysis:

A subcommittee of the Commission was formed that included several Commission members and two staff members to work with Game Time on a final design. Game Time was chosen as they were able to meet our equipment needs and give us an OMNIA quote which is similar to the Buyboard and has already been competitively bid. Game Time also has a grant program that decreases their quote further.

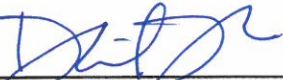
Two units will be installed – 1 for 2-5 years old and 1 for 5-12 years old in the same space the existing playground is in. There are components in each of the units that are ground level to make those more inclusive for children in a wheelchair or walker. A transfer station is also included on each unit so the elevated components may also be accessed if the child has some mobility. The playground will also have a poured in place surface so people or children in wheelchairs or using canes or walkers may easily get into the playground area.

Attachments:

Fundraising report from Rose Mary Fry, Game Time bids for equipment surfacing and installation, Playground layouts, Grant deadline letter



Department Approval



City Attorney Approval



City Manager Approval

The City of Fredericksburg

Andrea Schmidt

From: Rose Mary Fry <rmfry@degreesofwork.com>
Sent: Monday, December 14, 2020 12:01 PM
To: 

Subject: Market Square Redevelopment Commission - Notes - December 14, 2020
Attachments: MarktplatZ Redevelopment Project - Donation Form.doc

Thanks to everyone who participated in the December 14, 2020 Zoom meeting. Shelley Goodwin will distribute formal meeting minutes, but I wanted to make a few notes for everyone.

1. Calls on Financial Institutions

- Arrowhead Bank: Gift already pledged.
- BBVA: Joe Kammlah has called; individual has been sick and he will follow-up.
- Broadway Bank: Rose Mary Fry submitted a \$10,000 request and their Donation Committee will meet this week.
- Centennial Bank/Happy Bank: Joe Kammlah called on them and they declined.
- Chase Bank: Peggy Benson called on them and they declined. I will research Chase
- First Capital Bank of Texas: Tony Klein volunteered to call on them.
- First United Bank and Trust Company: Peggy Benson called on them and they donated \$1,000.
- Guadalupe Bank: Karen Oestreich dropped off the information; she feels they will donate to the project.
- Security State Bank & Trust: Debbie Farquahr Reeh
- Texas Regional Bank: Joe Kammlah volunteered to call on them.
- Woodforest National Bank: I think John Klein planned to call on them.

Note: As you hear back from the financial institutions, please let me know the results.

1. Other Fundraising Calls

- Tony Sauer: Peggy Benson called on them and Tony and his wife donated \$2,500.
- Paul and Mona Knopp: Jerry Luckenbach reported the great news that his cousin Paul Knopp and his wife Mona have pledged a personal gift of \$18,000 over a three-year period. Jerry had asked him about a corporate gift, but that was not possible so the couple made a personal gift. This gift completed our Phase I fundraising goals and the City can now order and purchase the equipment from GameTime. I emailed a pledge form to Paul Knopp for completion. **Jerry, thanks for making everyone's Monday.**
- **Donation Form:** As you talk with individuals and businesses, a pledge form needs to be completed. One is attached for your convenience.

2. Pending Grant Requests

- Dian Graves Owen Foundation: Grant submitted and they will meet in December.
- Don & Julie Holden: Grant submitted and they will meet in December.

3. Grants/Donations to be Researched/Submitted

- Doss Foundation: Rose Mary Fry researched this Ft. Worth Foundation. Although they give outside Ft. Worth, the gifts are primarily in the Ft. Worth area. Majority of their grants are in the \$1,000 – 10,000 range. Although I may submit to this foundation, I think a grant would be a long shot.
- Cailloux Foundation: I've drafted a Letter of Inquiry to the Cailloux Foundation and Tim Crenwelge will call on them in first quarter 2021.
- HEB: Rose Mary Fry reported on the HEB online giving process. Julie Bedingfield of HEB reported the majority of their funds for remainder of 2020 and 2021 will be dedicated to COVID relief efforts and the financial viability of nonprofit organizations. Grants for capital requests are not a priority for 2021. I will submit an online request for \$5,000 – 10,000 for Phase II. I had talked with Marilyn McNabb, Store Manager of the Fredericksburg store. She confirmed the grants need to be submitted online. Although local managers can give input, the decisions are made by Corporate staff. She did say she'd be willing to tour the site. After I submit the grant, I'll connect a Commission member with Marilyn McNabb to give a tour of the playground site.
- Kinder Morgan: Tim has had an initial conversation with an individual in Public Relations at Kinder Morgan. He's had difficulty in follow-up calls with the person and he may go back to his initial contact.
- Gillespie Count : Jerry Luckenbach reported that Tim Crenwelge and he met with County Commissioner Dennis Neffendorf. After the first of the year, he'll work to arrange site visits with other commissioners.

4. GameTime Equipment

- Since all funds have been raised for Phase I, Andrea Schmidt will work with GameTime for the purchase of the equipment. The City will still need to access \$74,000 to complete the purchase and she'll be working with the City to move purchase forward.
- After purchase, the City estimates February for demolition of the playground and renovation can then start.

5. Process to Withdraw Funds from the Donor Advised Fund at the Community Foundation of the Texas Hill Country: Andrea Schmidt reported the City Manager of Fredericksburg will need to submit a letter to withdraw the funds from the Community Foundation.

6. Next Meeting: Monday, January 11, 2021 at 9:00 a.m. The location will be finalized at a later date.

I appreciate everyone's work in making this community project a reality. If you have any questions, please call or email me.

P.S. I'll be out of state from December 17-28, 2021. Enjoy the holidays wherever you celebrate.

Rose Mary Fry
Degrees of Work
Nonprofit Consultant
 (210) 508-5028



c/o Total Recreation Products, Inc.
17802 Grant Road Cypress, Texas 77429
Phone: 281-351-2402
Toll Free: 800-392-9909
Fax: 281-351-2493

10/23/2020
Quote #64717-01-05

TA-04075-19 REV 3 City of Fredericksburg - Marktplatz Park - 2020 GRANT

City of Fredericksburg
Attn: Andrea Schmidt
432 Lady Bird Drive
Fredericksburg, TX 78624
Phone: 830-990-2018
awarren@fbtx.org

Ship to Zip 78218

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - TA-04075-19-2A3 Custom 5-12 Unit	\$95,032.00	\$95,032.00
1	GRANT	Other - 2020 GRANT Matching Funds	(\$39,130.85)	(\$39,130.85)
1	RDU	GameTime - TA-04075-19-2A4 Custom 2-5 Unit	\$50,886.00	\$50,886.00
1	GRANT	Other - 2020 GRANT Matching Funds	(\$20,953.07)	(\$20,953.07)
1	178749	GameTime - Owner's Kit	\$58.00	\$58.00
Pricing Per OMNIA (Formerly US Communities) Contract #2017001134				
Contract: OMNIA			Sub Total	\$85,892.07
			Freight	\$3,250.00
			Total	\$89,142.07

Comments

Freight Calculated to Installer Address. Customer is responsible for meeting the freight truck for delivery and unloading. A forklift may be required and is strongly recommended.

Funds match for Net 30 terms.

GRANT MATCHING FUNDS ARE AVAILABLE THROUGH NOVEMBER 15, 2020 OR UNTIL EXHAUSTION OF FUNDS.

Important Terms & Conditions - Please Review

To place an order, you must provide one of the following: a Purchase Order assigned to GameTime; or this Price Quotation, signed by an authorized purchaser, with a check made payable to GameTime. GameTime will also accept payment by Visa, MasterCard, or American Express. A current approved credit application is required for Net 30 terms.

This quotation explicitly excludes any and all items not expressly specified or identified above. No other product, equipment, or service is included, regardless of any Contract Document, Contract Section, Plans, Specifications, Drawing, or Addendum. Delivery for most GameTime equipment is approximately 5-6 weeks after all order documents have been received and payment terms have been approved. A current, approved credit application is required for N30 terms. To place an order, you must provide a purchase order or a signed Total Recreation Products, Inc. (hereafter described as TRP) quote, assigned to GameTime. Neither general contractor nor subcontractor contracts can be accepted. Purchase documents that contain indemnity or hold harmless conditions cannot be accepted. Retainage is not permitted. The following must be received before your order can be processed: complete billing and shipping addresses, a contact name and phone #, and all color choices. Manufacturer's colors may vary from year to year. You are responsible for ensuring that any required submittal approvals are completed before placing your order for processing. TRP reserves the right to limit submittals to one copy. Shop drawings, blueprints, sepias, are not available. Closeout documents may be limited to GameTime or TRP standard issue. If Sales Tax Exempt, a copy of your tax exemption form or resale certificate must accompany your order, or any applicable sales tax, will be added to your invoice. Most GameTime products are shipped from the Ft. Payne, AL plant. GameTime cannot hold orders or store equipment. Equipment is invoiced when shipped. If a cash sale, your payment must be received in full before the order will be processed. Contractors must also provide copies of current, fully executed bid/performance/payment bonds, as applicable. Pricing shown does not include any charges for permits, bonding, prevailing wage, or additional insured certifications.

Unless otherwise noted, any quantity of surfacing or playcurbs quoted has been calculated specifically for the equipment and layout shown. No additional surfacing or curbing is included, and no allowance has been made, for an unlevelled, convoluted or larger site, or for a different layout. Neither GameTime nor TRP is responsible for any surface, curbing, border, or drain that is provided by others. Also please confirm that your area is adequate for the equipment that you are purchasing.



c/o Total Recreation Products, Inc.
17802 Grant Road Cypress, Texas 77429
Phone: 281-351-2402
Toll Free: 800-392-9909
Fax: 281-351-2493

10/23/2020
Quote #64717-01-05

TA-04075-19 REV 3 City of Fredericksburg - Marktplatz Park - 2020 GRANT

Installation charges, if quoted, are for a "standard" installation unless specifically noted to be otherwise. Installation charges are due upon completion. Standard installations are based upon a soil work site, that is freely accessible by truck, (no fencing, tree/landscaping or utility obstacles, etc.), and level, (+/- 1-2% maximum slope). An accessible water source must be available to the installer. Any site work that is not expressly described is excluded. Standard installation does not include any extra or additional machinery, drillers, etc., for rock excavation. If rock conditions are encountered, additional charges will apply.

Standard installations generally require from 2-10 business days to complete, depending upon the amount and type of equipment, site conditions, weather, and the installer's schedule. Work may or may not be performed in consecutive days. Playcurbs are staked in, not set in concrete. Engineered wood fiber and shredded rubber surfacings are spread, not compacted, rolled, or watered. Landscape timbers are not warranted. The Customer is responsible for locating and clearly marking all underground utilities in the installation area before any installation work can begin. The installer is not responsible for damages, repairs, or discontinuance of business due to damaged utilities.

If applicable, sprinkler system locates, re-working and repairs are excluded from installation charges. Installation of all products, (equipment, borders, fall surfacing and amenities) are as quoted and approved by acceptance of quotes and drawings. As a precautionary measure, work in progress areas will be taped off at the end of the workday. Pier spoils from installation shall be spread at site, site will be left rough grade. The installer is not responsible for any damages or re-work resulting from after hours events or activities during the work in progress period. Temporary fencing is only provided by specific request, and additional charges will apply. Collectively and/or individually, not the manufacturer, TRP, their representatives, nor the installation company shall be held liable for any damages resulting from misuse, vandalism, or neglect. Any deviations from approved and accepted placement of all items, along with additional work, over and above quoted items, will be chargeable to the customer. Once work is completed the customer will be notified if present at the job site, and all responsibility of any new work will be transferred to the customer. The customer is responsible for maintaining the integrity of completed installation work until all components have seated and/or cured (concrete footings, etc.). Your project site must be completely prepared and ready to receive your equipment before any installation work begins. Acquisition of any and all permits is the sole responsibility of the customer. Additional charges may be billed for any extra hours or trips needed as a result of the work site not being ready. Neither the installation contractor, GameTime nor TRP will be responsible for delays caused by shortages, incorrect parts, weather conditions, other contractors, or lack of site readiness.

If you are receiving your equipment, you are responsible for unloading and accepting delivery from the freight company and reporting any damaged freight or shortages on the freight bill at the time. You will also be responsible for a complete inventory of your received equipment and reporting any discrepancies to us immediately. Neither the freight company nor the manufacturer will resolve shipment discrepancies that are not reported immediately. Make sure that all items have been received before any type of installation work is scheduled. The freight carrier will be instructed to call your designated contact 24 hours before delivery to arrange a delivery appointment.

Once accepted, orders can only be changed or canceled with the consent of GameTime and TRP, and on terms that will indemnify them against loss. Changed or canceled orders are subject to a \$100.00 service charge. Additionally, canceled orders are subject to a 25% restocking fee, plus freight charges (to and from). Built-to-order equipment orders are non-cancelable. Changes to orders that have been shipped and invoiced are subject to the above \$100.00 service charge plus additional restocking/return charges of 25%. Non-returnable items shall be charged at full invoice value. Any return transportation charges shall be for the Buyer's account. Replacement parts are also subject to the cancellation/returns policy. Please carefully review any research information that has been sent to you and confirm that you are ordering the correct replacement parts for your equipment. This quotation is valid 30 days. After 30 days, please request an updated quote. Prices may be subject to material and fuel surcharges at the time of shipment and are subject to change without notice. Current prices will apply at the time of shipment. Acceptance of this quote indicates your agreement to GameTime's credit terms, which are net 30 days, FOB shipping with approved credit. Any deviations from this proposal may invalidate the quoted pricing and/or terms.

THIS QUOTATION IS SUBJECT TO POLICES IN THE CURRENT GAMETIME PARK AND PLAYGROUND CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO GAMETIME, C/O TOTAL RECREATION.

Please complete and return with your required form of payment:

Acceptance of quotation:

Accepted By (printed): _____

P.O. No: _____

Signature: _____

Date: _____

Title: _____

Phone: _____

Facsimile: _____

Purchase Amount: \$89,142.07



c/o Total Recreation Products, Inc.
17802 Grant Road Cypress, Texas 77429
Phone: 281-351-2402
Toll Free: 800-392-9909
Fax: 281-351-2493

10/23/2020
Quote #64717-01-05

TA-04075-19 REV 3 City of Fredericksburg - Marktplatz Park - 2020 GRANT

Order Information:

Bill To: _____

Company: _____

Attn: _____

Address: _____

City, State, Zip: _____

Contact: _____

Email Address: _____

Tel: _____

Fax: _____

Ship To: _____

Company: _____

Attn: _____

Address: _____

City, State, Zip: _____

Contact: _____

Email Address: _____

Tel: _____

Fax: _____

For non-taxable purchases: Please also provide a copy of your Sales Tax Exemption Certificate or Resale Certificate.



c/o Total Recreation Products, Inc.
 17802 Grant Road Cypress, Texas 77429
 Phone: 281-351-2402
 Toll Free: 800-392-9909
 Fax: 281-351-2493

10/23/2020
 Quote #64717-02-01

TA-04075-19 REV 3 City of Fredericksburg - Marktplatz Park - 2020 GRANT (Install & Surfacing)

City of Fredericksburg
 Attn: Andrea Schmidt
 432 Lady Bird Drive
 Fredericksburg, TX 78624
 Phone: 830-990-2018
 awaren@fbtx.org

Ship to Zip 78624

Quantity	Part #	Description	Unit Price	Amount
1	PIP28711	GT-Impax - 4,160 sq. ft. Pour In Place Playground Surfacing- <i>Price includes a \$14,268.47 discount, material installation, and freight to Fredericksburg, TX 78624</i> 50% Black/50% Standard EPDM Color - Aromatic Binder Non-Prevailing Wages 3" System Depth for 6' CFH Includes 1 Hopscotch, 1 4-Square, 1 City Logo Design Customer to Provide Full Size Templates for Logo Design At Time Of Order INSTALLATION SCHEDULE TO BE DETERMINED BY WEATHER CONDITIONS ALLOWING FOR PROPER MATERIAL SET UP AND CURING. QUOTE DOES NOT INCLUDE ANY TENTING OR ARTIFICIAL HEATING. Assumes Good Access, No Design, & Sub Base/Site Prep by Others Security & Dumpster Not Included	\$65,000.83	\$65,000.83
1	INSTALL	GameTime - Installation- <i>*Installation of 4,160 sq. ft. compacted stone sub base and required 6" wide concrete curbs to allow for PIP installation.</i> <i>*Installer responsible for Site Security during PIP Surfacing Curing Process.</i> <u><i>*Demo of existing equipment and sand surfacing not included.</i></u> <i>Otherwise, installation of Above Equipment Only; No other site work, demolition or concrete work included. Acquisition of any and all permits is the sole responsibility of the customer. Standard installation does not include any extra or additional machinery, drillers, etc., for rock excavation. If rock conditions are encountered, additional charges will apply.</i> Pricing Per OMNIA (Formerly US Communities) Contract #2017001134	\$63,974.99	\$63,974.99
Contract: OMNIA			Sub Total	\$128,975.82
			Total	\$128,975.82

Comments

Freight for Surfacing Calculated to Site.

Surfacing & Installation Only - Equipment Quoted on 64717-01-05

Important Terms & Conditions - Please Review

To place an order, you must provide one of the following: a Purchase Order assigned to GameTime; or this Price Quotation, signed by an authorized purchaser, with a check made payable to GameTime. GameTime will also accept payment by Visa, MasterCard, or American Express. A current approved credit application is required for Net 30 terms.



c/o Total Recreation Products, Inc.
17802 Grant Road Cypress, Texas 77429
Phone: 281-351-2402
Toll Free: 800-392-9909
Fax: 281-351-2493

10/23/2020
Quote #64717-02-01

TA-04075-19 REV 3 City of Fredericksburg - Marktplatz Park - 2020 GRANT (Install & Surfacing)

This quotation explicitly excludes any and all items not expressly specified or identified above. No other product, equipment, or service is included, regardless of any Contract Document, Contract Section, Plans, Specifications, Drawing, or Addendum. Delivery for most GameTime equipment is approximately 5-6 weeks after all order documents have been received and payment terms have been approved. A current, approved credit application is required for N30 terms. To place an order, you must provide a purchase order or a signed Total Recreation Products, Inc. (hereafter described as TRP) quote, assigned to GameTime. Neither general contractor nor subcontractor contracts can be accepted. Purchase documents that contain indemnity or hold harmless conditions cannot be accepted. Retainage is not permitted. The following must be received before your order can be processed: complete billing and shipping addresses, a contact name and phone #, and all color choices. Manufacturer's colors may vary from year to year. You are responsible for ensuring that any required submittal approvals are completed before placing your order for processing. TRP reserves the right to limit submittals to one copy. Shop drawings, blueprints, sepia's, are not available. Closeout documents may be limited to GameTime or TRP standard issue. If Sales Tax Exempt, a copy of your tax exemption form or resale certificate must accompany your order, or any applicable sales tax, will be added to your invoice. Most GameTime products are shipped from the Ft. Payne, AL plant. GameTime cannot hold orders or store equipment. Equipment is invoiced when shipped. If a cash sale, your payment must be received in full before the order will be processed. Contractors must also provide copies of current, fully executed bid/performance/payment bonds, as applicable. Pricing shown does not include any charges for permits, bonding, prevailing wage, or additional insured certifications.

Unless otherwise noted, any quantity of surfacing or playcurbs quoted has been calculated specifically for the equipment and layout shown. No additional surfacing or curbing is included, and no allowance has been made, for an unlevelled, convoluted or larger site, or for a different layout. Neither GameTime nor TRP is responsible for any surface, curbing, border, or drain that is provided by others. Also please confirm that your area is adequate for the equipment that you are purchasing.

Installation charges, if quoted, are for a "standard" installation unless specifically noted to be otherwise. Installation charges are due upon completion. Standard installations are based upon a soil work site, that is freely accessible by truck, (no fencing, tree/landscaping or utility obstacles, etc.), and level, (+/- 1-2% maximum slope). An accessible water source must be available to the installer. Any site work that is not expressly described is excluded. Standard installation does not include any extra or additional machinery, drillers, etc., for rock excavation. If rock conditions are encountered, additional charges will apply.

Standard installations generally require from 2-10 business days to complete, depending upon the amount and type of equipment, site conditions, weather, and the installer's schedule. Work may or may not be performed in consecutive days. Playcurbs are staked in, not set in concrete. Engineered wood fiber and shredded rubber surfacings are spread, not compacted, rolled, or watered. Landscape timbers are not warranted. The Customer is responsible for locating and clearly marking all underground utilities in the installation area before any installation work can begin. The installer is not responsible for damages, repairs, or discontinuance of business due to damaged utilities.

If applicable, sprinkler system locates, re-working and repairs are excluded from installation charges. Installation of all products, (equipment, borders, fall surfacing and amenities) are as quoted and approved by acceptance of quotes and drawings. As a precautionary measure, work in progress areas will be taped off at the end of the workday. Pier spoils from installation shall be spread at site, site will be left rough grade. The installer is not responsible for any damages or re-work resulting from after hours events or activities during the work in progress period. Temporary fencing is only provided by specific request, and additional charges will apply. Collectively and/or individually, not the manufacturer, TRP, their representatives, nor the installation company shall be held liable for any damages resulting from misuse, vandalism, or neglect. Any deviations from approved and accepted placement of all items, along with additional work, over and above quoted items, will be chargeable to the customer. Once work is completed the customer will be notified if present at the job site, and all responsibility of any new work will be transferred to the customer. The customer is responsible for maintaining the integrity of completed installation work until all components have seated and/or cured (concrete footings, etc.). Your project site must be completely prepared and ready to receive your equipment before any installation work begins. Acquisition of any and all permits is the sole responsibility of the customer. Additional charges may be billed for any extra hours or trips needed as a result of the work site not being ready. Neither the installation contractor, GameTime nor TRP will be responsible for delays caused by shortages, incorrect parts, weather conditions, other contractors, or lack of site readiness.



c/o Total Recreation Products, Inc.
17802 Grant Road Cypress, Texas 77429
Phone: 281-351-2402
Toll Free: 800-392-9909
Fax: 281-351-2493

10/23/2020
Quote #64717-02-01

TA-04075-19 REV 3 City of Fredericksburg - Marktplatz Park - 2020 GRANT (Install & Surfacing)

If you are receiving your equipment, you are responsible for unloading and accepting delivery from the freight company and reporting any damaged freight or shortages on the freight bill at the time. You will also be responsible for a complete inventory of your received equipment and reporting any discrepancies to us immediately. Neither the freight company nor the manufacturer will resolve shipment discrepancies that are not reported immediately. Make sure that all items have been received before any type of installation work is scheduled. The freight carrier will be instructed to call your designated contact 24 hours before delivery to arrange a delivery appointment.

Once accepted, orders can only be changed or canceled with the consent of GameTime and TRP, and on terms that will indemnify them against loss. Changed or canceled orders are subject to a \$100.00 service charge. Additionally, canceled orders are subject to a 25% restocking fee, plus freight charges (to and from). Built-to-order equipment orders are non-cancelable. Changes to orders that have been shipped and invoiced are subject to the above \$100.00 service charge plus additional restocking/return charges of 25%. Non-returnable items shall be charged at full invoice value. Any return transportation charges shall be for the Buyer's account. Replacement parts are also subject to the cancellation/returns policy. Please carefully review any research information that has been sent to you and confirm that you are ordering the correct replacement parts for your equipment. This quotation is valid 30 days. After 30 days, please request an updated quote. Prices may be subject to material and fuel surcharges at the time of shipment and are subject to change without notice. Current prices will apply at the time of shipment. Acceptance of this quote indicates your agreement to GameTime's credit terms, which are net 30 days, FOB shipping with approved credit. Any deviations from this proposal may invalidate the quoted pricing and/or terms.

THIS QUOTATION IS SUBJECT TO POLICES IN THE CURRENT GAMETIME PARK AND PLAYGROUND CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO GAMETIME, C/O TOTAL RECREATION.

Please complete and return with your required form of payment:

Acceptance of quotation:

Accepted By (printed): _____

P.O. No: _____

Signature: _____

Date: _____

Title: _____

Phone: _____

Facsimile: _____

Purchase Amount: \$128,975.82

Order Information:

Bill To: _____

Ship To: _____

Company: _____

Company: _____

Attn: _____

Attn: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Contact: _____

Contact: _____

Email Address: _____

Email Address: _____

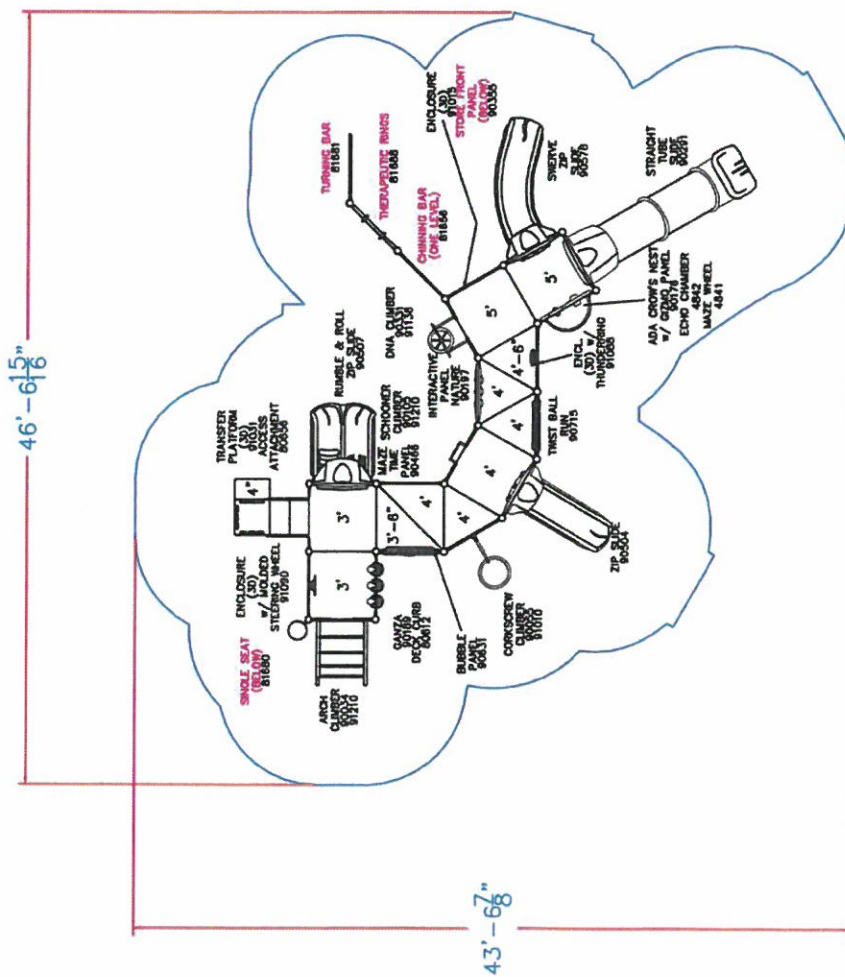
Tel: _____

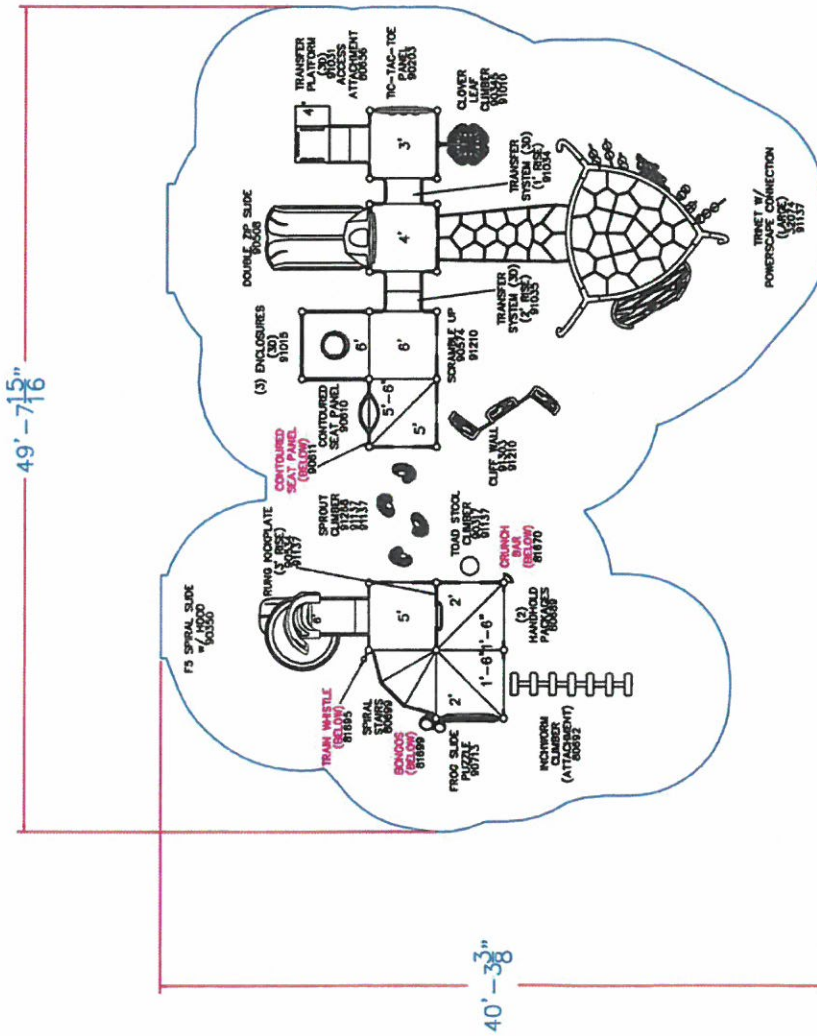
Tel: _____

Fax: _____

Fax: _____

For non-taxable purchases: Please also provide a copy of your Sales Tax Exemption Certificate or Resale Certificate.





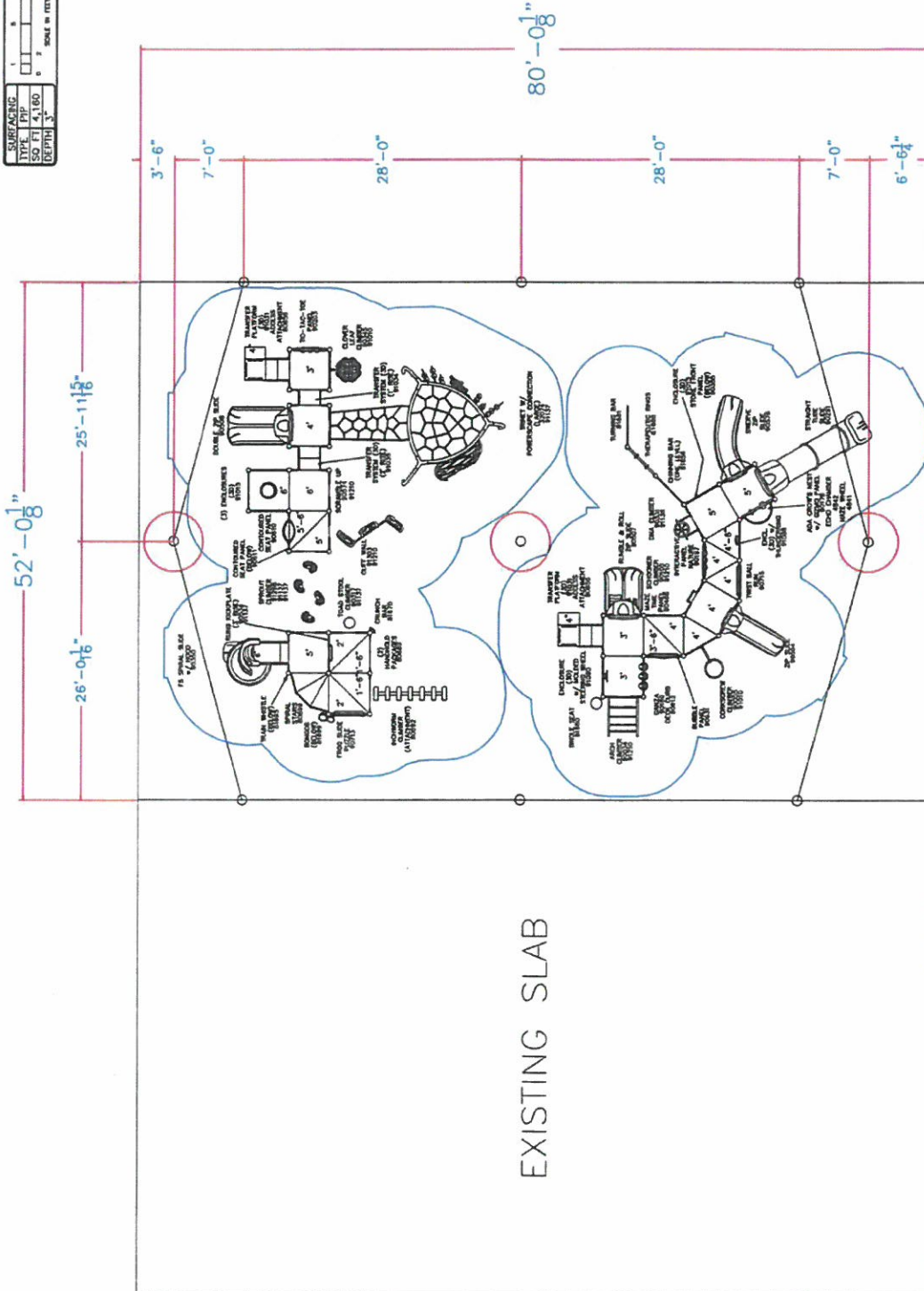


150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

Fredericksburg - Markplatz Park
Custom 5-12 Unit
Fredericksburg, TX
Representative
Total Recreation Products, Inc.

ISO 9001 CERTIFIED 	This unit includes play events and routes for special needs users. It is the option of the manufacturer that these play events and routes of travel conform to the accessibility requirements of the Americans with Disabilities Act.	Total Elevated Play Components <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>13</td> <td>Required</td> </tr> <tr> <td>13</td> <td>Required</td> </tr> <tr> <td>4</td> <td>Required</td> </tr> <tr> <td>4</td> <td>Required</td> </tr> </table>	13	Required	13	Required	4	Required	4	Required	Minimum Area Required 49' - 8" x 40' - 4" Scale: This drawing can be scaled only when in an 18" x 24" format
13	Required										
13	Required										
4	Required										
4	Required										
This play equipment is recommended for children ages 5 - 12											
IMPORTANT: Set resilient surfacing in accordance with the manufacturer's instructions for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CANCSA-Z-814											
Drawn By: JAM Date: 02/27/2020 Drawing Name: TA-04075-19-2A3											

SUBSURFACE	TYPE	DEPTH	CONCRETE	TYPE	DEPTH
SO F1	4,160	0	IN FT	184	184
DEPTH	3"	0	IN FT	184	184



150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

City of Fredericksburg
Municipal Park
Fredericksburg, TX
Total Recreation Products, Inc.

ISO 9001
CERTIFIED
AS 9100

This unit includes play events and equipment meeting the 2010 ICC AIA (American with Disabilities Act) Standards for Accessible Design.

Total Estimated Play Components	Required
Total Estimated Play Components Accessible By Ramp	Required
Total Estimated Components Accessible By Transfer	Required
Total Accessible Components	Required

This play is recommended for children ages 5 - 12

Minimum Area Required: 80' x 52'

Scale: This drawing can be scaled only when in its 24" x 36" format

DISCLAIMER: Not intended to be used as a final design. All dimensions and depths are subject to change without notice. All equipment shall be installed in accordance with the ASTM standard F 1487 and Canadian Standard CANCISA-2411

Drawn By: JAM
Date: 02/27/2020
Drawing Name: TA-00075-19-1A1R3

GAMETIME by
Total Recreation Products, Inc.
"Exclusive GameTime Representative"
17802 Grant Road,
Cypress, TX 77429



"I WISH I WAS A KID AGAIN"

Phones 281-351-2402
800-392-9909
Fax 281-351-2493
e-mail: bryan@totalrecreation.net

Ms. Andrea Schmidt
City of Fredericksburg Texas
Director of Parks and Recreation

August 20, 2020

Andrea,
We would like to respectfully offer to extend the terms of our 2020 GRANT program to you and the City of Fredericksburg Texas. We certainly understand that your project may have been delayed with all the unusual elements of 2020.

GameTime wants to be part of your project, and is proud to partner with Fredericksburg. We will extend our GRANT offer to March 31, 2021. We request that the proposal be updated to 'then current' pricing and freight, but the terms and conditions of the GRANT as you have been approved, will be honored. We will honor the current application and award, and there will be no need to re-apply.

As I said, we really want to be part of this project, and a place at your finished project for Fredericksburg, your people and visitors! Thank you for your faith and interest in GameTime and Total Recreation Products Inc. We look forward to working with you!

Best regards,

Bryan O'Conner
President – Total Recreation Products Inc. / GameTime





CITY COUNCIL MEMO

DATE: for the December 21, 2020 meeting

TO: Mayor and City Council

FROM: Daniel Jones, City Attorney

SUBJECT: Consider and discuss granting a non-exclusive access easement to property owner located at 535 N. Lee Street

Summary: The Council will consider granting a non-exclusive access easement, to allow a property owner to access their property across undeveloped property that has been dedicated to the City for a public roadway.

Recommendation: Motion to approve the Easement Agreement as presented.

Background / Analysis: As part of the Central Hill subdivision plat, a 25' wide strip of land was previously dedicated to the City for use as a public roadway, extending to the north from the intersection of E. Travis Street and N. Lee Street. The City has never constructed a public roadway upon the dedicated property, but the property owners adjacent to the dedicated property require access across the public easement to reach their property. A temporary license agreement was executed by the City in 2010, allowing the property owner located at 535 N. Lee Street to construct a driveway across the easement, until such time as the City constructs a public roadway in that location. The attached non-exclusive access easement agreement provides continued access across the public easement to the property located at 535 N. Lee, subject to the City's use of the easement property for any public use.

Attachments: Proposed easement; aerial map of subject property

Daniel Jones
Department Approval

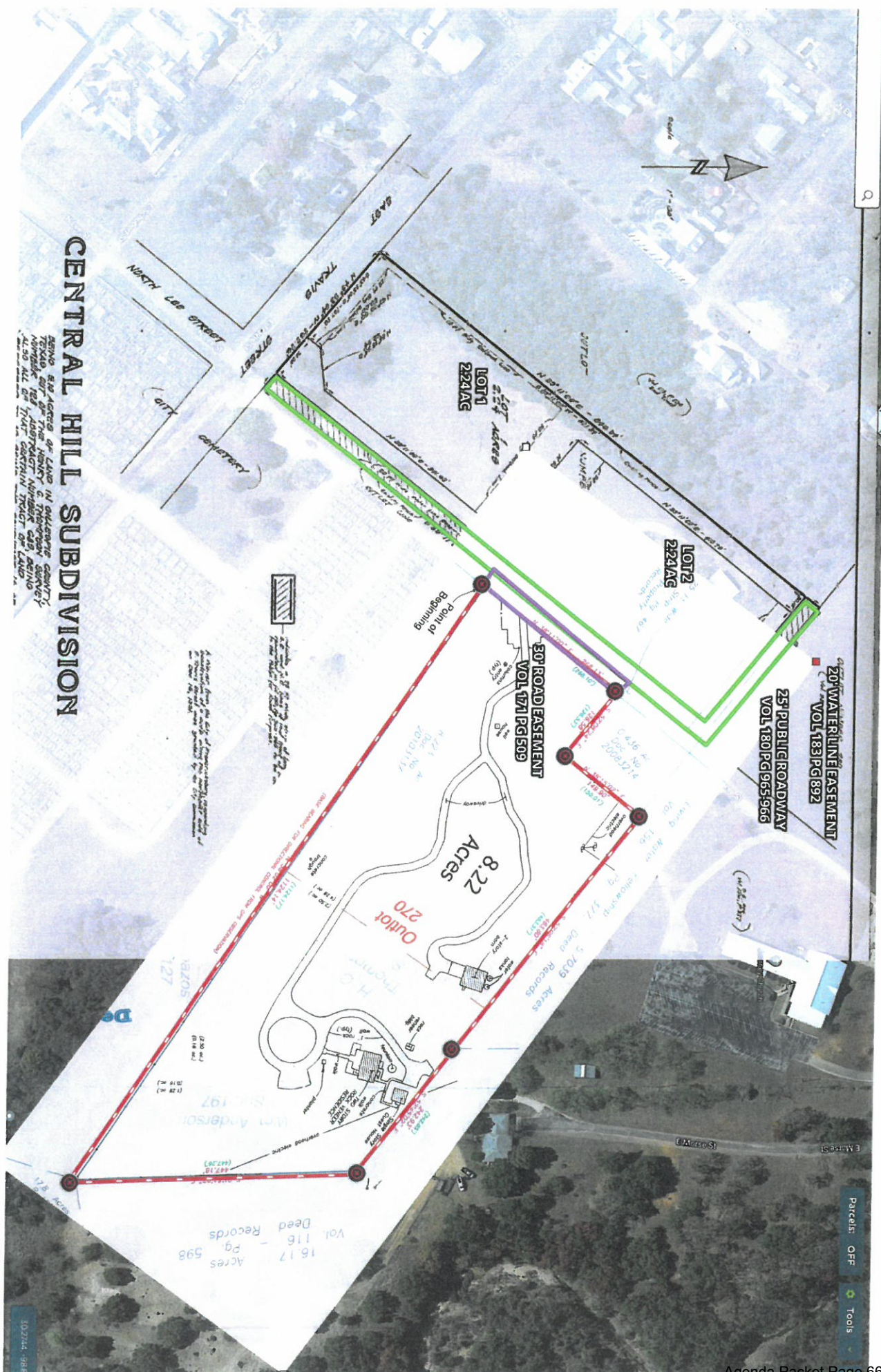
Kent Myers
City Manager Approval

The City of Fredericksburg

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

CENTRAL HILL SUBDIVISION

BEING BLA'GATED BY LAND IN SHERBORN COUNTY, NORTHERN DISTRICT, THE HENRY C. THOMPSON SURVEY, 41.50 AC. OF THAT CERTAIN TRACT OF LAND,



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

NON-EXCLUSIVE ACCESS EASEMENT AGREEMENT

DATE: _____ 2020

GRANTOR: The CITY OF FREDERICKSBURG, TEXAS

GRANTOR'S MAILING ADDRESS (including county):

126 W. MAIN ST., FREDERICKSBURG, GILLESPIE COUNTY, TEXAS 78624

GRANTEE: WILLIAM B. DUNN and wife, PETA DUNN

GRANTEE'S MAILING ADDRESS (including county):

1211 E. MAIN ST., FREDERICKSBURG, GILLESPIE COUNTY, TEXAS 78624

DOMINANT ESTATE PROPERTY (including any improvements):

Being **8.223 acres of land, more or less**, being 4.325 acres out of Outlot No. 270, as said Outlot is shown and designated on the Map of Fredericksburg, Texas and Environs by the German Emigration Company, 1.277 acres out of the Wm. H. Anderson Survey No. 197, Abstract No. 2, 2.458 acres out of the Genry C. Thompson Survey No. 128, Abstract No. 685, and 0.163 acres out of the Manual Cabazos Survey No. 127, Abstract No. 117, Gillespie County, Texas;; said **8.223 acres of land, more or less**, being more particularly described in **Exhibit "A"** attached hereto and incorporated herein for all pertinent purposes.

EASEMENT PROPERTY:

That certain **twenty-five (25') wide strip** or tract of land lying along the Southeast lines of Lots 1 and 2 of the Central Hills Subdivision as is more particularly shown on the map or plat thereof recorded in Volume 2, Page 13 of the Plat Records of Gillespie County, Texas **AND** that certain **twenty-five (25') wide strip** of land lying Northwest of the below 8.223 acres of land, and being more particularly described in Dedication Deed from Pat Finnegan McGowan to

ACCESS EASEMENT AGREEMENT

Page 1

the City of Fredericksburg, dated September 10, 1996 and recorded in Volume 312, Page 467, Real Property Records of Gillespie County, Texas.

EASEMENT PURPOSE: For providing pedestrian and vehicular ingress and egress to and from the Dominant Estate Property, and portions thereof, to and from East Travis Street and East College Street.

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

RESERVATIONS FROM and EXCEPTIONS to CONVEYANCE and WARRANTY:

Easements, rights-of-ways, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements. The Easement Property has been dedicated to the public for the use of the public and for public road usage.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants and conveys to Grantee an easement over, upon and across the Easement Property for the Easement Purpose and for the benefit of the Dominant Estate property, and portions thereof, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty. The following terms and conditions shall apply to the easement:

1. **Character of Easement.** The easement granted is appurtenant to and shall run with, the Dominant Estate Property, and portions thereof, whether or not such easement is referenced in any conveyance of the Dominant Easement Property, and/or any portion thereof.
2. **Duration of Easement.** The easement shall be perpetual.
3. **Exclusiveness of Easement.** The easement is nonexclusive, and Grantor reserves for Grantor and Grantor's successors and assigns the right to convey the same or other rights and/or easements to others, so long as such further conveyance is subject to this grant. Furthermore, the public may have use of this easement as the Easement Property has been dedicated to the public, even in the absence of Grantor improving and opening a public road on the Easement Property.

4. Maintenance. Improvement and maintenance of the Easement Property shall be at the sole expense of the Grantee. Such Grantee has the right to eliminate any encroachments in and to the Easement Property, and the right to maintain the Easement Property in its current condition. The Easement Property shall be maintained in a neat and clean condition. The Grantee of the easement shall, in addition, have the right to maintain a road together with any and all culverts, bridges, drainage ditches, and other similar facilities relating thereto over the Easement Property, except Grantee may not alter the drainage condition of the Easement Property without the written consent of Grantor. Grantee may not construct any improvements which interfere with Grantor's use of the Easement Property for a public use, including public utilities or public roadway, either existing or place in the future. In the event Grantor's use damages the Easement Property, Grantor agrees to restore and repair the Easement Property to reasonably the same condition it was in prior to the damage.

5. Rights Reserved. Grantor reserves for Grantor and Grantor's successors and assigns, as well as the public, the right to continue to use and enjoy the Easement Property for all public purposes which do not unreasonably interfere with or interrupt the use or enjoyment of the easement for Grantee. Grantor agrees not to place any additional gates, cattle guards or other obstructions across the easement without the prior consent of the Grantee.

6. Attorney's Fees. Any party to this Agreement who is the prevailing party in any legal proceeding against any other party brought under or in connection with this Agreement or the subject matter hereof, shall be additionally entitled to recover court costs and reasonable attorney fees, and all other litigation expenses, including deposition costs, travel and expert witness fees from the non-prevailing party.

7. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors and assigns where permitted by this Agreement.

8. Choice of Law. This Agreement shall be subject to and governed by the laws of the State of Texas, excluding any conflicts-of-law rule or principle that might refer the construction or interpretation of this Agreement to the laws of another state. Each party hereby submits to the jurisdiction of the state and federal courts in the State of Texas and to venue in Gillespie County, Texas.

9. Counterparts. This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same instrument.

10. Effect of Waiver or Consent. No waiver or consent, express or implied, by any party to or of any breach or default by any party in the performance by such party of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such party of the same or any other obligations of such party hereunder. Failure on the part of a party to complain of any act of any party or to declare

any party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder until the applicable statute of limitation period has run.

11. Further Assurances. In connection with this Agreement as well as all transactions contemplated by this Agreement, each signatory party hereto agrees to execute and deliver such additional documents and instruments and to perform such additional acts as may be necessary or appropriate to effectuate, carry out and perform all of the terms, provisions and conditions of this Agreement and all such transactions.

12. Indemnity. To the extent allowed by Texas law, each party hereby agrees to protect, indemnify and hold harmless the other party from and against any and all losses, costs (including, without limitation, the costs of litigation and attorney's fees), claims, causes of action, damages and liabilities that are attributable to the breach by the indemnifying party of any of the provisions of this Agreement.

13. Integration. This Agreement contains the complete agreement between the parties and cannot be varied except by the written agreement of the parties. The parties agree that there are no oral agreements, understandings, representations or warranties which are not expressly set forth herein.

14. Legal Construction. In case any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal or unenforceable in any respect, to the extent such invalidity or unenforceability does not destroy the basis of the bargain among the parties, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. Whenever required by the context as used in this Agreement, the singular number shall include the plural and neuter shall include the masculine or feminine gender, and vice versa. Article and Section headings appearing in this Agreement are for convenient reference only and are not intended, to any extent or for any purpose, to restrict or define the text of any Article or Section. This Agreement shall not be construed more or less favorably between the parties by reason of authorship or origin of language.

15. Notices. Any notice or communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States mail, postage fully prepaid, registered or certified mail and addressed to the intended recipient at the address shown herein, and if so shown, then at the last known address according to the records of the party delivering the notice. Notice given in any other manner shall be effective if and when received by the addressee. Any address for notice may be changed by written notice delivered as provided herein.

16. Recitals. Any recitals in this Agreement are represented by the parties hereto to be accurate, and constitute a part of the substantive agreement.

17. Time. Time is of the essence. Unless otherwise specified, all references to "days" shall mean and refer to calendar days. Business days shall exclude all Saturdays, Sundays and Texas legal banking holidays. In the event the date for performance of any obligation hereunder shall fall on a Saturday, Sunday or Texas legal banking holiday, then that obligation shall be performed on the next following regular business day.

18. Indemnity by Grantee. The Grantee shall indemnify and hold harmless Grantor and Grantor's heirs, executors, administrators, successors and assign and any lender which holds a lien covering the property, other than the Dominant Estate Property, affected by the easement from and against all liability, damages, suits, actions, costs and expenses of whatsoever nature (including reasonable attorney's fees) to persons or property caused by or arising out of any operation, construction, maintenance and alteration of the Easement Property, or the failure of the Grantee to comply at all times with all applicable laws, rules, regulations and safe standards in connection with the operation, construction, maintenance and alteration of the Easement Property.

GRANTOR:

THE CITY OF FREDERICKSBURG

By: _____
Printed Name: _____
Capacity: _____

GRANTOR:

WILLIAM B. DUNN

PETA DUNN

THE STATE OF TEXAS

§

COUNTY OF GILLESPIE

§

§

This instrument was acknowledged before me on the ____ day of _____, 20____, by _____ in his/her capacity as _____ of the City of Fredericksburg, on behalf of the City of Fredericksburg.

Notary Public in and for the State of Texas

THE STATE OF TEXAS

§

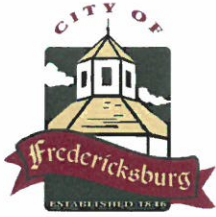
COUNTY OF GILLESPIE

§

§

This instrument was acknowledged before me on the ____ day of _____, 20____, by WILLIAM B. DUNN and wife, PETA DUNN, in their individual capacities.

Notary Public in and for the State of Texas



CITY COUNCIL MEMO

DATE: December 14, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Location for January Public Meetings

Summary:

At Monday's City Council meeting a discussion and action is scheduled on whether the City should have Zoom only meetings during January or continue with a hybrid approach with a combination Zoom and in-person format.

Recommendation:

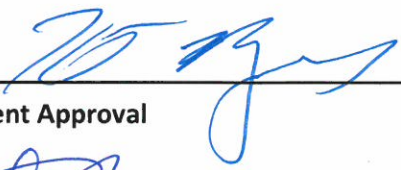
It is recommended that the City Council discuss the format for all City Council and other City public meetings that will be held in January.

Background / Analysis:

Over the past several months, the City has used both Zoom and a hybrid format for conducting City Council meetings. The University Center has provided a good location for the hybrid meetings due to the size of the meeting space. However, the University Center has a policy where masks are required for all meetings. If the Council decides to have hybrid meetings at the University Center, this policy will need to be enforced.

Attachments:

The City of Fredericksburg



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: May 20, 2019

TO: Mayor and City Council

FROM: Shelley Goodwin, City Secretary

SUBJECT: Election Plan

Summary:

The November 3, 2020 General Election taught the City several things. This Plan will implement trigger points and provide additional options to correct issues that were revealed from November 3, 2020.

Recommendation:

Staff recommends the approval of the Plan including the improvements to the City Election process for May 1, 2021.

Background / Analysis:

The City's goal is to run a smooth election with integrity. After the November 3, 2020 Election, several election workers were contacted regarding how to improve the City's election process. Although there are strict rules and processes for several items related to Elections; however, some areas are left up to the person conducting the election. In-house procedures should be reviewed annually to ensure that the City is abiding by the laws and that the procedures are being conducted efficiently. Continuing to make improvements and providing education ensures that the rules are being followed. These improvements and triggers are from the lessons learned during the last election and are reflected in the Plan.

Directions are needed on the following:

The City of Fredericksburg

1. Holding two polling places on May 1, 2021, Election Day, combining Pct. 1 and Pct. 4 and combining Pct. 2 and Pct. 3. I believe that this will allow voter convenience on Election Day. Holding both polls at City facilities if COVID-19 is still around will eliminate the struggle to find locations that other entities might not let us use.
2. Hold education and promotion of Election dates and changes, which will incur additional expenses.
3. Additional expenses for new ballot boxes, election binders for workers, and adding 2 Election Day polls will create additional costs for paying the Election workers.

Attachments:

Election Plan and schedule



Department Approval



City Manager Approval

The City of Fredericksburg

MAY 1, 2021 GENERAL ELECTION

Like all operations of the City of Fredericksburg, City elections will be conducted with integrity and teamwork. The City of Fredericksburg elections make a fundamental contribution to democratic governance. The goals of the City elections are to provide the eligible voters the opportunity to vote and to treat everyone and the process with respect. All Texas Election Code, Federal Statutes, Texas Secretary of State resources, and other resources, will be used to run City elections. The City will also use all permitted resources to provide transparency on the items allowed by law. Elections will be conducted with teamwork amongst staff and Offices of Federal, State, County as well as work with the public. When opportunities arrive, the City will provide outreach and education about City elections.

How to reach our goals:

The City Secretary will provide current Election Information, deadlines and future election deadlines on the City website. These deadlines will also be provided candidates and the public (attached calendar).

The City Secretary will attend election training to stay current with all the changes by legislation. Staff will be provided election training either from seminars or from the City Secretary.

The City Secretary will provide the required Notices on the City website, bulletin board, and the glass at the main entrance of City Hall. All Election Notices that are required, will be posted at other locations as provided in the Texas Election Code. The Notices that are require publishing in the newspaper will publish according to the Election Code.

The City Secretary will provide all City candidates with the appropriate calendar and other information they will need to run a campaign. It will be made ready for pick up one (1) week before the first day of filing for a place on the ballot.

The City Secretary will provide education regarding the upcoming election and voting processes in-person and by mail to the media, public, clubs, and organizations whenever requested.

Encourage Voting:

The City Secretary will work with Staff, media, and other means to encourage voting. This includes thinking outside the box to let the public know when and where to vote, such as:

- Street Banner to let the public know about the election and where to find voter information.
- Creating placemats or tray mats with Early Voting and Election Day dates, times, and location. These mats will be available for restaurants to use.
- Emails to Chairs of groups and organizations with Early Voting and Election Day dates, times, and location.
- Create short videos announcing Early Voting and Election Day dates, times, and location.
- Create a video demonstrating the Application for Ballot by Mail request and voting process.

Lessons Learned from November 3, 2020 and how we will address them moving forward

Staff will receive additional training in a focused area of conducting an election:

- One staff member with the assistance from City Secretary needs to handle the day to day Ballot by Mail process. And this staff member will work with the Early Voting Ballot Board to ensure they have all required documents and information.
- One staff member will order supplies and equipment with the assistance of the City Secretary. And this staff member will make sure each poll has the items they need and make sure all supplies and equipment are returned and put away after the election.
- One staff member will create the list of the day-by-day Early Voting voters for the website, with the City Secretary's assistance. And this staff member will make copies of the Combination Forms and Compensation Forms.

Signage-More signage is needed at Early Voting, especially when holding a Joint Election. Place larger signs and markers to better identify each election being held.

Make sure that the City receives the proper marked ABBM in a timely manner-The City will send the required Notices to the County Clerk and the Election Administrator, but also include a specific bulleted list of items and timeframes. And if for some reason the May election is postponed again, a separate letter will be sent, and it will include a specific bulleted list of items and timeframes.

Voter Registrar's List – The City identified doubled names on the list that returned to the EA's Office after the November 3rd Election. When sending the Notice of Annexations to the County Clerk and Election Administrator, it will include a statement to ensure that the required property owners are added to the Voter Registration List.

ABBM deadlines-The City Secretary's Office will work with the nursing homes to ensure that they are aware of the first day to receive an ABBM is January 1, 2021; and the different way for their residents to apply in a timely manner.

Poll Workers Training need more education in certain areas - Changes to the way the City holds Election Training:

- Provide binders for each worker.
- Additional clarifications on AutoMark.
- Hands-on demonstration on voter check-in , curbside process, and certain affidavits.
- A clear written instruction regarding who to count and the process for over and undervotes will be provided at training and to each worker.
- Making workers more confident with counting ballots at the polls through hands-on demonstrations.

Poll Workers instructions to voters -Several poll workers noted that some voters only marked one (1) vote for a race that they could have voted for two (2) candidates. While this is a strategy that some voters use, in the future poll workers will be requested to let the voter know the ballot instructions.

Facilities-If holding a Joint Election and there is a need for a larger facility, the steps provided in the Texas Election Code to move the voting into a larger room shall be followed.

Ballot Boxes - The current Ballot Boxes slot for casting a ballot is too small, which required the voter to fold their ballots at least one time. The City needs to purchase better Ballot Boxes with a wider slot for the ballot, eliminating having to unfold them to count them.

Cell phone usage at the polls- To prove that the cell phone usage in the poll place is Election related and therefore allowed; a log of cell phone usage will be kept.

Compensation for Election Workers- To eliminate any confusion on City required documents in addition to SOS requirements – a meeting will be held with Finance and HR before April 1,2021.

Trigger Points:

Once the City Secretary receives the one hundredth (100th) returned mail-in ballot, a Signature Verification Committee will be formed. This Committee will serve during the time the Election Code allows. This process will reduce the time the Early Voting Ballot Board has to spend on this process, even before they can count the ballot.

Once Early Voting has reached three hundred (300) cast ballots, the second team of three (3) counters will be appointed for the Early Voting Ballot Board. And at nine hundred (900) cast ballots, a third counting team will be appointed to come in a few hours later.

Each Election Precinct Poll will consist of four (4) workers and a fifth worker coming in at 6 p.m. to help close down the poll and count the ballots.

Additional information:

The City has four (4) Precincts, and on election day, in order to combine the four (4) Precincts to one (1) location, up until 2012 the City was required to get approval from the Voting Rights Act (Department of Justice Civil Rights Division) to combine polls. I am unable to find a record of this filing, I have spoken to the Secretary of State Election Division regarding combining polls. After speaking to them, I recommend that the City combine Precincts 1 and 4 -and hold the election at the Girl Scout Cabin and Precincts 2 and 3-hold the election at the EMS Station on Friendship Lane for the May Elections.

Whenever the City holds a Charter Review, certain Election Charter requirements conflict with the Texas Election Code.

The City Secretary will work with Poll Watchers and help educate them on the City uses (ballots, ballot boxes, and other documents kept in a locked and video secured room). They will be welcomed to see the room but make them aware they are being recorded.

MAY 1, 2021

CANDIDATE ELECTION CALENDAR AT A GLANCE

December 14, 2020	Last day to post on bulletin board Notice of Filing Period.
January 1st	First day voter may submit an application for a ballot by mail.
January 13th	First day for candidate to file for place on ballot.
January 15th	Last day for timely filing of semi-annual report of contributions/expenditures for Office Holders.
January 18th-February 12th	Period for Calling Election and Posting Notice of Election on the bulletin board. Order designating Election Precincts and Polling Places
February 12th	Last day to file for place on ballot.
February 13th	Last day for a Write-In Candidate to declare candidacy (General Election).
February 18th	9:00am Drawing for place on the ballot (City Secretary's Office).
February 22nd	Last day for Candidate to withdraw and to remove their name from the ballot.
March 3rd (due to Texas Independence Day)	Last day to notify the County Clerk and Voter Registrar
April 1st	Due date for filing first report of campaign contributions/expenditures (if opposed). Last day to register to vote.
April 16th	Last day to receive application from voter <u>in person</u> for a ballot to be voted by mail.
April 19th	Early voting begins. Last day for applicant to hand deliver their ABBM.
April 20th	Last day to receive application by <u>mail</u> for a ballot to be voted by mail.

	Extended Voting Hours 7 a.m.-7 p.m.
April 9th-April 20th	Period for publishing the notice of election.
April 23rd	Due date for filing second report of campaign contributions/expenditures (if opposed).
April 27th	Last day for early voting by personal appearance. Extended Voting Hours 7 a.m.-7 p.m.
May 1st	Election Day (7 a.m.-7p.m.)
May 4th-10th	Period during which early voting ballot board may meet to count ballots received outside US if the Early Voting Clerk certifies that all ballots mailed from outside the US have been received.
May 4th-12th	Canvass time period
May 6th	Last day to receive a ballot from outside the US, other than certain FPCA ballots.
May 7th	Last day to receive an FPCA ballot from a member of the US Armed Services or Merchant Marines or a spouse or dependent of a member.
May 10th	Last day for voter registrar to complete the review of Provisional Ballots.
March 2, 2023	Last day of preservation period for ballots and other precinct election records.
March 2, 2023	Last day of preservation period for candidate applications.

Future Agenda Items

January 4, 2021 Regular Meeting

City Council = Red

4th and 19th Regular Meetings @ 6p.m.

Planning & Zoning = Green 1-6-2021 @ 5:30 p.m.

Historic Review Board = Purple 1-12-2021 @ 5:30 p.m.

Board of Adjustment = Blue 1-14-2021 @ 5:30 p.m.

City Events = Yellow

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

Proclamation

Consent

1. 12-7-2020 City Council Regular Meeting Minutes
2. 12-21-2020 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

Approvals-Misc.

Presentations, Discussions and Updates:

1. Soccer Fields presentation
2. 2021 Legislative priorities

Executive Session

City Council

January 19, 2021 Regular Meeting

City Council = Red

4th and 19th Regular Meetings @ 6p.m.

Planning & Zoning = Green 1-6-2021 @ 5:30 p.m.

Historic Review Board = Purple 1-12-2021 @ 5:30 p.m.

Board of Adjustment = Blue 1-14-2021 @ 5:30 p.m.

City Events = Yellow

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

Proclamation

Consent

- 1-4-2021 City Council Regular Meeting Minutes

Ordinances

Resolutions

- Call the May 1, 2021 City General Election

Public Hearing

Approvals-Misc.

Presentations, Discussions and Updates:

- Proportionality appeal analysis for the Windcrest subdivision

Executive Session

- Annual performance evaluation for City Manager and City Attorney