

City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA

TUESDAY, JANUARY 19, 2021 ~ 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 Tuesday, January 19, 2021, at 6 p.m. This meeting will be held remotely via Zoom Teleconferencing, and in person attendance will not be available. Members of the public may attend the meeting remotely by web or telephone via Zoom Teleconferencing (see details below). 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 of the public may attend remotely using one of the following:

Computer Join Zoom Meeting:

<https://us02web.zoom.us/j/89947711566>

Meeting ID: 899 4771 1566

Passcode: 992795

By Telephone

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 899 4771 1566

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 January 19, 2021.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or

3. Email your comments to CitizenComments@fbgtx.org or
4. Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the “January 19, 2021, City Council Regular Meeting” tab.

Verbal Comments:

1. Must submit your name, address and contact information to CitizenComments@fbgtx.org by 3 p.m. on January 19, 2021.
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. December 21, 2020 City Council Regular Meeting
(Agenda Packet Pages 5-14)
 - ii. January 4, 2021, City Council Regular Meeting
(Agenda Packet Pages 15-20)

7. PUBLIC HEARING

Those wishing to speak must use the “**raise your hand**” feature on Zoom in order to be called upon for the Public Hearing. If a caller is using the Zoom app on a computer, tablet, or mobile phone click on “**Participants**” and click on “**Raise Hand**” button. If a caller is using a landline telephone press *9.

- A. Hold Public Hearing to receive comments for or against a subdivision proportionality appeal petition for the Oaks of Windcrest Phase V Subdivision. The appeal relates to the construction of a section of West Windcrest Drive adjacent to Phase V which is comprised of 60 single-family residential lots (Clinton Bailey, Assistant City Manager/Director of Public Works/Utilities).
(Agenda Packet Pages 21-22)

8. ORDINANCE

- A. Consider the approval of Ordinance 2021-1 amending Section 24.200 of Appendix A-Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Park Pool and Town Pool by Recreational Program providers (1st of two readings; City Council may waive 2nd reading).
 - i. Consider approval of non-exclusive license agreement between the City and program provider for programs within City park pools. (Andrea Schmidt, Park Department Director).
(Agenda Packet Pages 23-38)

9. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of an Election Order to call the General Election on May 1, 2021 for the purpose of electing two (2) City Councilmembers to City Council, adding the provisions for the conduct of such election. (Shelley Goodwin, City Secretary).
(Agenda Packet Pages 39-43)

- B.** Consider the approval of a subdivision proportionality appeal petition for the Oaks of Windcrest Phase V Subdivision. (Clinton Bailey, Assistant City Manager/Director of Public Works/Utilities).
(Agenda Packet Pages 21-22)
- C.** Consider, discuss, and take action regarding 2021 Legislative priorities (Kent Myers, City Manager).
(Agenda Packet Pages 43-46)
- D.** Consider, discuss, and take action regarding a presentation by Dr. Jim Partin with Hill Country Memorial Hospital on Key Community COVID Data (Kent Myers, City Manager).
(Agenda Packet Pages 47-48)
- E.** Consider, discuss and take action regarding a presentation from the Fredericksburg Soccer Association regarding the proposal for expansion of Oakcrest Park (Andrea Schmidt, Parks & Recreation).
(Agenda Packet Pages 49-58)
- F.** Consider, discuss and take action regarding format and location of February City Council and other Public Meetings (Kent Myers, City Manager).
(Agenda Packet Pages 59-60)
- G.** Consider, discuss and take action regarding approving the Health and Safety Plan for the Scallywampus events and the Wanderlust Run on March 20, 2021 (Jennifer Krupa, Special Events Coordinator)
(Agenda Packet Pages 61-68)

10. CITY MANAGER REPORT

- A.** Selection of New IT Director
- B.** Annexation Update
- C.** Marktplatz Improvements
- D.** Golf Course Improvements

11. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages 69-70)

12. COUNCIL COMMENTS

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

13. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections 551.074 and 551.071 (Consultation with Attorney):

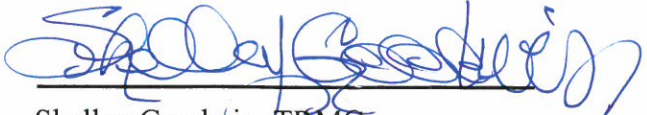
- A.** Consider and discuss the annual evaluation of the City Manager, City Attorney, and Municipal Court Judge (Section 551.074 – Personnel Matters) and
- B.** Receive legal advice regarding Texas Local Government Code Section 212.904, rough proportionality, and apportionment of City infrastructure costs for development in the City (551.071).

14. 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.

15. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 4:15 p.m. on January 13, 2021, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.


Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING DECEMBER 21, 2020

The City of Fredericksburg City Council met in a regular session on Monday, December 7, 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
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
Lynn Bizzell, Fire Chief
Brian Jordan, Development Services Director
Eric Whiting, Information Technology
Andrea Schmidt, Parks Department Director
Tammie Loth, Human Resources Director
Laura Hollenbeck, Finance Director
Lea Feuge, Public Information Officer
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, December 21, 2020, via Zoom Teleconference. Mayor Kiehne announced a quorum of the City Council present.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge.

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reported as of 12-21-2020:

World	United States
66,422,058 Positive Cases	14,636,914 Positive Cases

Texas	Case Count	Total Deaths	Active Cases	Recovered Cases		
254 counties out of 254	1,413,684 New 8,107	25,415	271,931	1,279,067		
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	155,154	2,323	13,871	138,969	4,798	23,143

COVID-19 totals of the adjacent counties' information (DSHS as of 12-21-2020):

County	New Daily Cases	Cases	Active	Recovered	Fatalities	Probable
Gillespie County	10	960	92	1,148	16	283
Kerr County	17	1403	348	1,642	32	599
Kendall County	13	760	143	1,131	30	530
Llano County		417	159	391	6	139
Mason County		156	51	159	2	56
Blanco County		223	48	214	7	46
Burnet County		1,739	286	1,525	23	95

Texas Hospital Data

Date	# Patients	Daily Confirmed Cases
12-14-2020	9,304	8,771
12-15-2020	9,472	14,556
12-16-2020	9,528	14,805
12-17-2020	9,628	16,864
12-18-2020	9,709	12,192
12-19-2020	9,796	12,244
12-20-2020	9,856	6,244
12-21-2020		8,107

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.
- FUSD currently has 37 positive cases.
- Public schools in Texas 57,137 student positive cases and 33,027 staff positive cases.
- Next testing dates are tentatively January 4, 10, and 17, 2021, at the Pioneer Pavilion from 8 a.m.- 4 p.m.
- HCMH currently has 6 COVID-19 patients.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, provided the following recognitions:

- David Wisniewski for his retirement as Fire Marshall and then coming out of retirement to serve as Emergency Management Officer.
- A thank you was received for the leaf pickup program crew for going above and beyond.
- Received a thank for Officer Harry Doss' professionalism during a traffic stop
- Thank you to all City employees who have worked hard to maintain services during this pandemic.

5. PUBLIC COMMENTS

Mayor Kiehne announced that there were three (3) written comments provided, and they can be located on the City's website under Agendas.

Jael Fisk encouraged the City Council to do what the residents want and remove the mask campaign.

Jett Burns spoke regarding the CARES funding and amounts given to the State of Texas and to Fredericksburg. He also asked that the City Council not ignore the residents.

Timothy Riley encouraged the City Council to find additional ways to allow residents to speak. He also spoke regarding encouraging more patriots to speak.

6. CONSENT

A. Consider approval of Minutes:

- November 16, 2020, City Council Regular Meeting**
- November 30, 2020, City Council Workshop Meeting**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the Consent Agenda. On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

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, reviewed the history of the speed limits on W. Main St./US 87 N. Texas Department of Transportation (TxDOT) conducted a speed study along the 290 W corridor. He also reviewed how speed limits are set on Texas highways. He noted based on the results of the study and recent crash data; the following changes are needed:

- Eastbound Traffic (inbound) from the city Limit 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.

The City Council reviewed the study and the factors TxDOT uses to change speed limits.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve 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 and waive 2nd reading.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

B. Employee Salaries and Benefits

- 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).**
- 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).**

Kent Myers, City Manager, reviewed the history of Ordinance 2020-20 and the effects of the retirement increase would have on the City and employees. He also stated if Ordinance 2020-20 is not approved, then Councilmember Rickert has provided a future bonus option to consider.

Councilmember Rickert reported she doesn't feel it is financially a good time to approve Ordinance 2020-20, so she put together a one-time bonus plan for using the CARES funding reimbursements.

The City Council discussed Ordinance 2020-20 and the one-time bonus plan. They also discussed the future budget effects of the Ordinance. The City Council also discussed a holding a comprehensive workshop regarding salaries and benefits at the beginning of the budget cycle.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve 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.

Councilmember Musselman requested a clarification to the motion.

Councilmember Musselman moved for a friendly amendment to approve the one-time bonus payments in lieu of Ordinance 2020-20, and Councilmember Rickert, seconded the motion.

The City Council discussed which motion was on the floor and clarified what a vote yes would mean.

Daniel Jones, City Attorney, stated a vote yes would be for the approval of the one-time bonus payments in lieu of Ordinance 2020-20 7% TMRS.

On roll call the City Council voted on the approval of the one-time bonus:

Mayor Kiehne	nay
Councilmember Luckenbach	nay
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	nay

Motion fails two (2) for, and three (3) opposed.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve 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 .

On roll call the City Council voted on the approval of Ordinance 2020-20.

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	nay
Councilmember Rickert	nay
Councilmember Watson	aye

Motion passes three (3) for, and two (2) opposed.

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).

Kent Myers, City Manager, provided an update on the history of the PTO carryover request for emergency personnel.

The City Council discussed allowing the emergency personnel to choose if they want to carryover, or get a payout, or a combination of both.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to approve allowing an option for emergency personnel to carryover their PTO or take a cash payout. On roll call the City Council voted on the approval of Ordinance 2020-20.

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

B. Consider the approval of release of access easement at Boot Ranch.

Kris Kneese, Assistant Public Works Director, stated prior to the Boot Ranch development, the City used this easement to access the 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, the City no longer uses the easement.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to approve the release of access easement at Boot Ranch.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

C. Consider, discuss, and take appropriate action regarding moratorium for outdoor gatherings of 75 or more.

Jennifer Krupa, Special Events Coordinator, reported 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. She noted there are three upcoming events that have submitted health & safety plans:

- Kid Fish at the creek at Lady Bird Johnson Municipal Park scheduled for the third full week of January
- Hill Country Indian Artifact Show to take place at the Pioneer Pavilion on Saturday, January 23, 2021.
- St. Mary's Catholic Schools Week Parade to take place on San Antonio Street on Monday, February 1, 2021.

Rob Bartell, Hill Country Indian Artifacts, reviewed his Health & Safety Plan for the show.

The City Council discussed the events and their Health & Safety Plan. They agreed by consensus to move forward with the events as requested.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the extension of the moratorium for outdoor gathering of 75 or more until February 28, 2021. On roll call the City Council voted:

Mayor Kiehne	aye
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Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

D. Consider the approval of the 2021 City Employee Holidays.

Kent Myers, City Manager, reviewed the proposed 2021 City Employee Holidays.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the 2021 City Employee Holidays as presented.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

E. Consider the approval of a bid and purchase of playground equipment at Marktplatz.

Andrea Schmidt, Parks Director, provided the history of the playground equipment at Marktplatz and the funding raising project of the Market Square Redevelopment Commission. She noted all the funding had been raised, so the Commission will be able to take advantage of the grant. She recommended the City Council approve the purchase of the playground from Game Time for a total of \$218,117.90.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the bid and purchase of playground equipment at Marktplatz.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

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

Daniel Jones, City Attorney, provided the history of the Central Hill subdivision plat and a 25' wide strip of land dedicated to the City. He stated this piece of land was to be used as a public roadway, but the City never built the road. He noted the attorney for the property owner of 535 N. Lee Street is requesting a non-exclusive access easement agreement to provide continued access across the public easement to their property.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the granting of a non-exclusive access easement to the property owner located at 535 N. Lee Street.

On roll call the City Council voted:

Mayor Kiehne	aye
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Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

G. Consider, discuss, and take action approving location for January City Council and other Public Meetings

Kent Myers, City Manager, reviewed the history of the City Council and other Public Meetings held during COVID-19 and changes made due to high positive cases. He noted the University Center is available for hybrid meetings; however they have a policy that masks are required for all meetings and as well as sanitizing the room upon completion of the meeting.

The City Council discussed the positive cases of COVID-19 and the different options of holding meetings. The City Council agreed to consider the meetings in 30 days at a time.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve holding the January City Council and other Public Meetings via Zoom. On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

H. Consider, discuss, and take action regarding May 1, 2021, City Election Plan.

Shelley Goodwin, City Secretary, reviewed the May 1, 2021, City Election Plan and the additional expenses for election expenses.

The City Council discussed the Election Plan and the additional expenses. They also discussed the election calendar and different ways to encourage voting participation.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the May 1, 2021, City Election Plan and additional expenses.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

9. CITY MANAGER REPORT

A. Legislative Issues

Kent Myers, City Manager, stated he will bring the report back to the January 4, 2021 City Council Regular Meeting.

B. Recent Personnel Changes

Kent Myers, City Manager, reviewed all of the recent retirements, promotions, transfers, hires, and vacancies.

C. Development Services Director Position.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, announced that Jason Lutz has been hired as the Development Service Director. He will start on February 1, 2021. He also thanked Brian Jordan for his dedication to the City.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming agenda items and the items to be added.

11. COUNCIL COMMENTS

Councilmember Musselman thanked David Wisniewski for his dedication and service to the City.

Councilmember Rickert thanked Brian Jordan for his dedication and service to the City. She also welcomed Jason Lutz to the City Staff Team.

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).**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of the Regular Session into Executive Session at 8:01 p.m.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Executive Session into the Regular Session at 8:23 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

No action was taken.

14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, December 7, 2020, City Council Regular Meeting at 8:24 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 OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING JANUARY 4, 2021

The City of Fredericksburg City Council met in a regular session on Monday, January 4, 2021, at 6 p.m. This meeting was held remotely via Zoom Teleconferencing. 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
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
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Russell Immel, Director of Information Technology
Eric Whiting, Information Technology
Andrea Schmidt, Parks Department Director
Laura Hollenbeck, Finance Director
Lea Feuge, Public Information Officer
Justin Calhoun, Emergency Management Coordinator
Reagan Rabke, Fire Marshall
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, January 4, 2021, via Zoom Teleconference. Mayor Kiehne announced a quorum of the City Council present.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge.

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reported as of 1-4-2021:

World	United States	Texas
83,910,386 Positive Cases	20,558,489 Positive Cases	1,811,523 Positive Cases

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	180,727	2,471	15,103	163,162	5,077	26,928

COVID-19 totals of the adjacent counties' information (DSHS as of 12-07-2020):

County	Cases	Active	Recovered	Fatalities	Probable
Gillespie County	1,505	56	1,367	23	347
Kerr County	2,380	185	2,183	36	886
Kendall County	1,447	54	1,387	33	629
Llano County	666	136	517	13	185
Mason County	264	68	199	2	84
Blanco County	285	26	252	7	48
Burnet County	1,968	180	1,759	29	117

Texas Hospital Data

Date	# Patients	Daily Confirmed Cases
12-29-2020	11,775	27,000
12-30-2020	11,992	17,500
12-31-2020	12,268	14,600
1-1-2021	12,481	12,400
1-2-2021	12,319	9,000
1-3-2021	12,563	14,500
1-4-2021	12,961	15,976

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.
- FISD currently has 34 positive cases.

- Next testing will occur the week of January 11th -15th, 2021, at the Pioneer Pavilion from 8 a.m.- 4 p.m.
- HCMH currently vaccinating all First Responders and health care workers.

The City Council discussed the tracking, cost, and getting information out to the residents for the vaccines.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, provided the following recognitions:

- Thank you for Miguel Contreras, Police Officer, for his professionalism during a traffic stop.
- Thank you for Lea Feuge, Public Information Officer, and her Census Bureau team for their hard work with educating and collecting Census information from residents.

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 three written citizen comments.

Brett Jarvie, who spoke on behalf of Annette Bennett, spoke regarding the virus's science and the mask mandate.

Matt Long, spoke regarding removing the emergency mask mandate. He also spoke regarding the City's proposed Legislative Priorities.

Timothy Riley spoke regarding educating the public on speaking at City Council meetings. He also spoke on supporting the mask mandate.

6. CONSENT

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

i. December 7, 2020, City Council Regular Meeting

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the Consent Agenda.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

7. ORDINANCE

A. Consider, discuss, and take action regarding 2021 Legislative priorities (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the 2021 Legislative priorities in the Agenda packet and Councilmember Musselman's priorities.

The City Council discussed the priorities and the need for the Legislation. They requested that both lists be combined and brought back to them for approval on January 19, 2021, City Council Regular Meeting.

B. Consider, discuss and take action regarding a Citizen Request to be on City Council Agenda to discuss the rescinding of Fredericksburg Declaration of State of Local Disaster and Mask Mandate or establish criteria to be met for the rescinding the same items in the near future (George Studor).

George Studor provided a PowerPoint presentation regarding the Declaration of State of Local Disaster and Mask Mandate. He requested the City Council rescind the Declaration of State of Local Disaster, Mask Mandate, and establish a hands-off policy concerning COVID-19 guidelines. He also requested the City Council to develop a plan of ending the mandates.

The City Council discussed the presentation.

Councilmember Rickert requested the City place the State and Local Disaster Plan and a Metrics for Emergency Order on a future agenda.

8. CITY MANAGER REPORT

A. Next City Council Work Session

Kent Myers, City Manager, reviewed the items for the City Council Work Session.

The City Council agreed by consensus to hold the City Council Work Session in February.

9. ITEMS FOR FUTURE AGENDA

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

10. COUNCIL COMMENTS

Councilmember Rickert thanked George Studor for his presentation. She asked that everyone please be patient while we all work through this virus and all the documentation.

Mayor Kiehne thanked the Fredericksburg High School Class of 2020, they raised over \$10,000 for Project Graduation and could not hold it, so they donated the money to the Food Bank.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections 551.071 (Consultation with Attorney) and 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), and**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Session into Executive Session at 7:16 p.m.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Executive Session into the Regular Session at 7:33 p.m.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

13. BUSINESS ITEM

11. A. Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to initiate condemnation proceedings against Arch Ray LLC related to the purchase of a City Water Line Easement on Highway 290E.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adjourn the Monday, January 4, 2021, City Council Regular Meeting at 7:46 p.m.

On roll call, the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

Charlie Kiehne
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: January 19, 2021

TO: Mayor and City Council

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

SUBJECT: Public Hearing, Discussion, & Action Relating to a Subdivision Proportionality Appeal Petition for the Oaks of Windcrest Phase V Subdivision

Summary:

This item is for a public hearing, discussion, and action regarding a subdivision proportionality appeal petition relating to the Oaks of Windcrest Phase V Subdivision.

Recommendation

City staff, including the Director of Public Works and Utilities, recommend denial of the subdivision proportionality appeal petition.

Background / Analysis:

As discussed at the August 12, 2020 City Council meeting, the City's subdivision ordinance allows a subdivision developer to file a subdivision proportionality appeal petition for relief with the Director of Public Works and Utilities to contest the requirement to construct public improvements. It is the responsibility of the Director of Public Works and Utilities to review the petition and make a recommendation to the City Council. Based on the petition filed by the developer and the recommendation of the Director of Public Works and Utilities, the City Council must then determine whether the construction of improvements is "roughly proportional" to the nature and extent of the impacts created by the proposed development on public facilities such as roadways. In accordance with the City's Subdivision Ordinance, the City Council may take one of the following actions:

The City of Fredericksburg

1. Deny the petition for relief, and impose the construction of public improvements as required by this Ordinance
2. Grant the petition for relief, and waive any construction requirement to the extent necessary to achieve proportionality
3. Grant the petition for relief, and direct that the City to participate in the costs of constructing the public improvement and establishing the extent of such participation

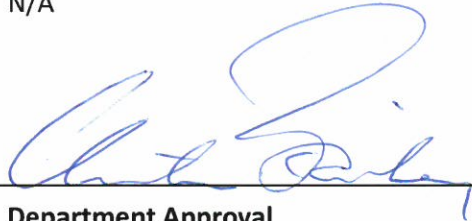
In this case, the developer of the Oaks of Windcrest Phase V submitted an application to the City for consideration of prorated cost sharing for the construction of the West Windcrest Street extension which was constructed along the northern boundary of the subdivision. In response, at the August 12th meeting, the Council approved a contract with Kimley-Horn, the City's traffic consultant for the Transportation Impact Study, to complete a Rough Proportionality Assessment (RPA) for the Oaks of Windcrest Phase V subdivision development as a basis for the Director of Public Works and Utilities' recommendation to the City Council regarding the developer's application for relief.

Kimley-Horn's RPA concluded that the City's request (to extend West Windcrest) was "roughly proportionate" to the impacts of the development on the City's transportation system. The results of the analysis were presented to the applicant and in response, as allowed by the Subdivision Ordinance, a notice of appeal and supporting information was submitted to the City. Kimley-Horn has reviewed the appeal and Jake Gutekunst, Kimley-Horn Project Manager, will be at the meeting to present their findings and answer any remaining questions you may have.

Based on the Kimley-Horn's original RPA and the appeal responses, City staff, including myself acting as the responsible official for processing the petition, recommend denial of the petition for relief (option #1 noted above). To comply with scheduling requirements included in the Subdivision Ordinance (within 60 calendar days of appeal receipt), the Council is required to take action at this meeting.

Attachments:

N/A



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: January 19, 2021

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider adopting license agreement for program providers at the pools and new reservation rates

Summary:

Each summer several groups use Park Pool to provide programs. These groups include organizations such as the Wellness Center, Fredericksburg High School swim team, Swim America™ LTS and Heart of Texas Swim Team. The City has not had a license agreement for these users in the past. Staff worked with these organizations and the City Attorney to develop an agreement and new rates over the last year. No objections have been noted by any of the organizations at this time. The agreement is very similar to the one we use for recreational programs in the parks but takes into consideration the special nature of swimming pools.

Staff researched how other cities handle pool use by outside organizations to use as a guide for recommending rates. The City will not be providing lifeguards but will require certain signage posted during the organizations use depending on the class of pool they fall under. Some of these organizations also provide services to the community such as swim lessons that the City does not have staff to provide currently.

Below are the recommended rates:

Park Pool lanes: Nonprofits \$2 per hour per lane; For-profit \$4 per hour per lane, a \$1 discount per lane per hour may be applied to a for-profit if any of their equipment is loaned for general use.

Park Pool leisure Pool: Nonprofits \$5 per hour; For-profit \$10 per hour

Town Pool: Nonprofit \$5 per hour; For-profit \$10 per hour

The City of Fredericksburg

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

Recommendation:

Consider motion to adopt non-exclusive license agreement between the City of Fredericksburg and program provider for programs within City park pools and new reservation rates to go into effect January 20, 2021.

Background / Analysis:

Below is a comparison of other cities and organizations and their lane/rental rates:

Bryan, TX - charges groups \$10 per lane per hour for anyone using the pool for less than 6 months.

Texas City, TX - charges \$15 per lane per hour.

TAMU - charges \$20 per lane per hour.

Clinton, IA - charges \$65 per school student member for 10-week session at 6 hours per weekday

Boulder, CO - charges \$7.50 per hour per lane, zero depth entry "pod" \$10 per hour

Scottsdale, AZ - charges \$10 per hour per lane, they do offer a discounted rate to a swim team at \$3 per hour per lane. They do not allow any for-profit use of their pools. They also required an RFP for the swim team that was given the discount.

Ora Valley, AZ – has a revenue share agreement. They receive 30% of all revenues.

Monona, WI - charges \$55 per participant for 4.5 hours of practice M-F.

Saint Louis, MO - Sunset Hills PARD – stated a common fee in their area is \$25 to \$40 per hour per lane

Morris Township, NJ – charges \$55 per child for 9-week session

Derby, KS – charges \$12 per hour per lane for practice and \$100 per hour for swim meets

Flower Mound, TX – charges \$6 per lane per hour – they said in the Dallas area the going rate is \$10 per hour per lane and they will be increasing to this amount.

Salt Lake City, Utah – charges \$15 per lane per hour for 25 yards and \$25 per lane per hour for 50 meters

Reno, NV – charges \$6.50 per hour per lane for off times and \$8.50 per hour per lane for prime times (depends on time of the year) for 25 M and \$8.50 per hour per lane for off times and \$11.50 per hour per lane for prime times. Swim meets: \$60 - \$140 per hour with security deposit and another \$15 per hour for staff.

The City of Fredericksburg

Attachments:

Ordinance, License Agreement



Department Approval



City Attorney Approval



City Manager Approval

The City of Fredericksburg

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

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION 24.200 OF APPENDIX A – FEE SCHEDULE, OF THE CODE OF ORDINANCES, TO UPDATE AND AMEND THE FEES FOR USE OF LADY BIRD JOHNSON PARK POOL AND TOWN POOL BY RECREATIONAL PROGRAM PROVIDERS.

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

Section 1. That, Section 24.200 “Fees for use of Lady Bird Johnson Park Pool and Town Pool”, of Appendix A “Fee Schedule”, of the Code of Ordinances, is amended by addition of Section 24.200(h) as follows:

Sec. 24.200 - Fees for use of Lady Bird Johnson Park Pool and Town Pool.

(h) Fees for use of Lady Bird Johnson Park Pool and Town Pool by recreational program providers, pursuant to an executed license agreement with the City, shall be as follows:

Pool Area used	Non-profit program provider use fees	For-profit program provider use fees
Lady Bird Park Pool - Swimming Lanes	\$2.00 per lane, per hour.	\$4.00 per lane, per hour. Program provider may receive a discount of \$1.00 per lane, per hour, if program provider's equipment is loaned to City for general pool use, at discretion of City.
Lady Bird Park Pool - Leisure Pool Area	\$5.00 per hour.	\$10.00 per hour.
Town Pool	\$5.00 per hour.	\$10.00 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.

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

NON-EXCLUSIVE LICENSE AGREEMENT
BETWEEN THE
CITY OF FREDERICKSBURG AND PROGRAM PROVIDER
FOR PROGRAMS WITHIN CITY PARK POOLS

This Non-Exclusive License Agreement ("License") is made and entered into by and between the CITY OF FREDERICKSBURG, TEXAS ("City"), a political subdivision of the State of Texas, and _____ ("Program Provider").

NOW, THEREFORE, the City and Program Provider hereby agree as follows:

1. Grant of Non-Exclusive License. In consideration of and subject to the terms, provisions, and covenants herein contained, City hereby grants to Program Provider a license to use and occupy (check one or both locations):

- ☐ Lady Bird Johnson Municipal Park Pool
- ☐ Town Pool

(to be known collectively the "Licensed Premises"), in the City of Fredericksburg, Gillespie County, Texas, for Program Provider's programs at specific dates, times, and locations as agreed upon by the parties, during the term of this License. Prior to any use of the Licensed Premises, Program Provider shall notify the City's Director of Parks and Recreation (or his/her designee) of Program Provider's program schedule, including the dates, times, and specific areas within the Licensed Premises that Program Provider will utilize. Program Provider shall have a continuing duty, during the term of this License, to notify City of any amendments to Program Provider's proposed program schedule related to use of the Licensed Premises.

2. Term. The term of this License shall begin upon execution of this License and end on _____. The license granted in this License is revoked upon termination of this License.

3. License Fee. Program Provider shall pay to City a license fee, calculated as follows:

A flat license fee of \$ _____ per _____, for the periods of time that programs are held, or scheduled to be held, by Program Provider on the Licensed Premises during the term of this License.

Any license fees due to City under this License will be invoiced by the City and shall be remitted to the City on or before the thirtieth (30th) calendar day following the date of said invoice.

4. Termination Election. City and Program Provider each shall have the right, either with or without cause and at any time, to terminate this License upon not less than sixty (60) days

prior written notice to the other party. Upon such termination, City and Program Provider shall be relieved of all further obligations hereunder, except only for obligations accruing prior to the effective date of termination. Paragraph 14 (Indemnification) of this License shall survive the termination of this License.

5. Use. Program Provider's use of the Licensed Premises shall comply with the following:

- a. Program Provider may use the Licensed Premises for programs pre-approved by the City, and for no other purpose;
- b. Program Provider shall ensure that each program participant executes a waiver and release of liability prior to said participant's participation in a program on the Licensed Premises, said waiver and release of liability being in a form substantially similar to form set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by reference; provided that Program Provider may submit an alternative waiver and release of liability form for approval by the City, and following approval said alternative form may be used in lieu of the form set forth in Exhibit A;
- c. Program Provider shall inspect the areas within the Licensed Premises that Program Provider intends to use, prior to each use of the Licensed Premises, to ensure that the premises are safe for the intended use;
- d. Program Provider shall provide or require that its trainers, employees, agents, and program participants use all appropriate safety equipment;
- e. Program Provider shall ensure that all persons and activities are adequately supervised by a trained adult at all times during use;
- f. Program Provider shall maintain the areas used by Program Provider within the Licensed Premises in a neat and orderly condition and remove any trash generated by Program Provider's program ; and
- g. Program Provider shall not install, place, or use any signage without the prior written consent of the City, and in conformance with the City's sign ordinance.

6. Other Users. Program Provider acknowledges and agrees that City may periodically authorize other users to use the Licensed Premises, including but not limited to special events or activities, which may impact Program Provider's use of the Licensed Premises, to include modification of the areas Program Provider uses within the Licensed Premises or preventing Program Provider from using portions of the Licensed Premises at certain times.

7. No Warranties; Interruption of Business. City makes no warranty or representation concerning the condition of the Licensed Premises or its suitability for any use. The Licensed Premises are accepted "AS IS". In addition, City shall not be liable or responsible to Program

Provider in any manner for any interruption, or adverse impact on, Program Provider's business as a result of casualty, flooding, acts of God, utility failure, or other occurrence.

8. Insurance. Program Provider shall purchase and maintain a commercial general liability insurance policy from an insurance company licensed to do business in the State of Texas. The policy limits shall be at or above \$500,000.00 per person and \$1,000,000.00 per occurrence, and shall cover Program Provider's use of the Licensed Premises. Upon execution of this License, Program Provider shall provide the City Manager or designee with a copy of the insurance policies required hereby. In the event of failure by Program Provider to keep such insurance in effect, the License shall terminate immediately without notice. The public liability and casualty insurance policies shall name City as an "additional insured". All policies shall include a waiver of subrogation provision in favor of City. The policy and any renewal certificate shall provide that the City be notified thirty (30) days prior to cancellation or modification of any coverage. Program Provider shall provide renewal certificates to the City at least ten (10) days prior to expiration date of current policy. Policies required under this Paragraph shall be in effect for the entire term of this License.

9. Alterations and Improvements. Program Provider shall not make any alterations, additions, or improvements to the Licensed Premises, without the prior written approval of the City's Director of Parks and Recreation.

10. City Access. City shall maintain its right to access and use of the Licensed Premises at all times for any purpose, provided that City shall not unreasonably interfere with Program Provider's use of the Licensed Premises.

11. Unsafe Conditions. The City may restrict access to the Licensed Premises for health or safety reasons at any time and without notice to Program Provider. An example of such an event is inclement weather, flooding, or potential flooding. If the City determines that access to the Licensed Premises should be restricted, then the City shall attempt to notify Program Provider as soon as is practicable. Program Provider shall remain alert as to changing weather conditions that may impact the safety of participants and use of the Licensed Premises.

12. Termination for Safety Violation or Unlawful Use. Program Provider shall not use or occupy the Licensed Premises for any unlawful purpose, nor permit the Licensed Premises or any part thereof to be used or occupied for any unlawful purpose. Program Provider shall comply with all Federal, state, and local laws, ordinances, orders, rules and regulations relating to the use, condition, or occupancy of the Licensed Premises. Program provider shall comply with the lifeguard and safety sign requirements established by the Texas Department of State Health Services, as set forth in Texas Administrative Code, Chapter 265, Subchapter L (entitled *Standards for Public Pools and Spas*), with excerpts of said Code provided in Exhibit B, a copy of which is attached hereto and incorporated herein by reference. Notwithstanding any other provision of this License, the City may terminate this License immediately upon any violation of this Paragraph, or any gross violation of any safety-related provision set forth in this License.

13. Intentionally Deleted.

14. INDEMNIFICATION. PROGRAM PROVIDER AGREES TO INDEMNIFY, DEFEND, AND HOLD CITY, INCLUDING CITY OFFICIALS, OFFICERS, EMPLOYEES, AND AGENTS, HARMLESS OF AND FROM ALL CLAIMS, INJURIES (INCLUDING DEATH), DEMANDS, LIABILITY, LOSS, COST AND EXPENSES (INCLUDING ATTORNEY'S FEES AND COST OF LITIGATION) IN ANY MATTER ARISING OUT OF OR RESULTING FROM PROGRAM PROVIDER'S USE OF THE LICENSED PREMISES, INCLUDING BUT NOT LIMITED TO ANY AND ALL LIABILITY, LOSS, COST AND EXPENSE ARISING FROM CLAIMS OR DEMANDS BY PROGRAM PROVIDER'S INSTRUCTORS, AGENTS, PARTICIPANTS, AND VOLUNTEERS, EXCEPT FOR LOSSES, DAMAGES, OR INJURIES CAUSED BY THE SOLE GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT OF THE CITY.

15. Assignment or Sublicense. Program Provider shall not assign or sublicense the Licensed Premises or any of its rights hereunder, in whole or in part, without the express prior written consent of the City Manager.

16. Casualty. In the event of property damage to the Licensed Premises caused by Program Provider or its instructors, agents, participants, or volunteers, Program Provider shall immediately notify the City of the specifics of such occurrence and shall restore all damaged improvements within thirty (30) days.

17. No Other Relationship. This License constitutes the entire agreement between City and Program Provider. Nothing contained herein shall be construed to create any principal/agent, employer/employee, joint venture, partnership, or other arrangement between City and Program Provider.

18. Default. If either party hereto shall fail to perform any duty or obligation under this License, and such failure shall continue for a period of (10) days after written notice of default, except for Program Provider's insurance obligations or for safety-related reasons provided in this License for which no notice or opportunity to cure shall be given, the party not in default shall have the right, at such party's option, and in addition to any other remedies available at law or in equity, to terminate this License by notice to the party in default. The failure of either party to declare any default immediately upon the occurrence thereof or delay in taking any action in connection therewith shall not waive such default, but such party shall have the right to declare any such default at any time and take such action as might be authorized hereunder or that may be available at laws or in equity.

19. Notice. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United

States mail, postage prepaid, by certified mail, return receipt requested, addressed to the parties hereto at their respective addresses as set forth below:

To CITY:

City of Fredericksburg
Attention: City Manager
126 W. Main St.
Fredericksburg, TX 78624

To PROGRAM PROVIDER:

20. Intentionally Deleted.

21. Intentionally Deleted.

22. Warrant of Capacity. Each individual and/or entity executing this License hereby represents and warrants that he, she, or it has the capacity set forth on the signature page hereof, with full power and authority to bind the party on whose behalf he, she, or it is executing this License to the terms hereof.

23. Approval Authority. In this License, wherever an act requires approval by or consent of the City, such approval or consent may be obtained from the City Manager, or designee.

24. Governing Law and Enforcement. This License shall be governed by the laws of the State of Texas and shall be performable in Gillespie County. Venue for any dispute arising between the parties to this License shall be in Gillespie County, Texas.

IN WITNESS WHEREOF, each of the parties hereto has executed this License, or caused the same to be executed by its duly authorized representative.

PROGRAM PROVIDER

By: _____ Date: _____
Printed Name and Title: _____

CITY OF FREDERICKSBURG, TEXAS

By: _____ Date: _____
Kent Myers, City Manager

EXHIBIT A
SAMPLE PARTICIPANT'S WAIVER OF LIABILITY

I, the undersigned Participant, understand and agree that in consideration for my voluntary participation in a _____ (insert description of program) _____ program provided by _____ (insert Program Provider name) _____ ("Program Provider"), I voluntarily and knowingly assume all risks associated with my participation in the Program Provider's program, and on behalf of myself and my heirs, executors, and administrators, I voluntarily and knowingly waive all claims against, and release and hold harmless, the City of Fredericksburg, Texas, and its officials, officers, agents, and employees, from and against any and all claims, damages, liabilities, causes of actions, losses, costs and expenses, including reasonable attorney's fees, arising out of or in connection with my participation in the Program Provider's program held on City of Fredericksburg property, including without limitation, personal injuries, death, or loss of use of personal property.

Participant Signature: _____

Date: _____

PARENT/LEGAL GUARDIAN CONSENT
(REQUIRED FOR PARTICIPANT UNDER 18 YEARS OF AGE)

I, the undersigned Parent or Legal Guardian of the above Participant, understand and agree that participation in the above referenced program may result in personal injury, death, or personal property damage. The above named Participant has my permission to participate in the above referenced program. I understand and agree to the assumption of risk and waiver of claims set forth above.

Parent/ Legal Guardian Name: _____

Parent/ Legal Guardian Signature: _____

Date: _____

EXHIBIT "B"

**Excerpts from Texas Administrative
Code**

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Texas Administrative Code**

<u>TITLE 25</u>	HEALTH SERVICES
<u>PART 1</u>	DEPARTMENT OF STATE HEALTH SERVICES
<u>CHAPTER 265</u>	GENERAL SANITATION
<u>SUBCHAPTER L</u>	STANDARDS FOR PUBLIC POOLS AND SPAS
RULE §265.182	Definitions

(99) Pool--Any man-made permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool. References within the standard to various types of pools are defined by the following categories.

(A) Class A pool--Any pool used, with or without a fee, for accredited competitive aquatic events such as Federation Internationale De Natation Amateur (FINA), United States Swimming, United States Diving, National Collegiate Athletic Association (NCAA), National Federation of State High School Associations (NFSHSA), events. A Class A pool may also be used for recreation.

(B) Class B pool--Any pool used for public recreation and open to the general public with or without a fee.

(C) Class C pool--Any pool operated for and in conjunction with:

(i) lodging such as hotels, motels, apartments, condominiums, or mobile home parks;

(ii) property owner associations, private organizations, or clubs; or

(iii) a school, college or university while being operated for academic or continuing education classes. The use of such a pool would be open to occupants, members or students, etc., and their guests but not open to the general public.

(D) Class D pool--A wading pool with a maximum water depth of 24 inches at any point.

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Texas Administrative Code**

<u>TITLE 25</u>	HEALTH SERVICES
<u>PART 1</u>	DEPARTMENT OF STATE HEALTH SERVICES
<u>CHAPTER 265</u>	GENERAL SANITATION
<u>SUBCHAPTER L</u>	STANDARDS FOR PUBLIC POOLS AND SPAS
RULE §265.181	General Provisions

(c) Stricter codes and standards. Whenever a pool or spa owner is in compliance with a more recent code or standard that is stricter than these rules, that standard shall be deemed as in compliance with these rules on a particular subject.

(1) Except as expressly provided in these rules, an owner whose pool or spa was constructed in compliance with a standard applicable on the date of construction is not required to modify construction to comply with a subsequent construction standard for post-10/01/99 pools and spas.

(2) Except as expressly provided in these rules, an owner whose pool or spa equipment was in compliance with a standard applicable at the time installation of equipment is not required to purchase and reinstall equipment complying with a subsequent equipment standard for post-10/01/99 pools and spas in these rules.

(3) Post-10/01/99 and pre-10/01/99 facilities shall be required to meet the operational standard that is most applicable to their use. For example, if a pool is operated as a Class C pool but will be made available for use by the general public, the pool shall meet Class B operational standards for lifeguards, etc.; or if a pool is normally operated as a Class B pool but, is used for a private party and is closed to the general public for the duration of the party the pool shall meet Class C operational standards.

(4) A post-10/01/99 facility shall be required to meet the applicable construction standard that is most restrictive for its intended use. For example, if a pool at a facility that is generally classified as a Class C pool open for use by the general public at any time, it shall be constructed to meet Class B pool standards.

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Texas Administrative Code**

TITLE 25

HEALTH SERVICES

PART 1

DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 265

GENERAL SANITATION

SUBCHAPTER L

STANDARDS FOR PUBLIC POOLS AND SPAS

RULE §265.199

Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas

(f) Signs for post-10/01/99 and pre-10/01/99 pools.

(1) Post-10/01/99 and pre-10/01/99 pools shall comply with the following sign requirements:

(A) signs shall be securely mounted as applicable and readily visible to the pool user from inside the pool enclosure;

(B) for Class C and D pools where no lifeguard is provided, a sign shall be placed in plain view and shall state "NO DIVING" along with an international warning symbol for no diving. The letters "NO DIVING" and the symbol shall be at least 4 inches high;

(C) for pools where no lifeguard service is required, a warning sign shall be placed in plain view and shall state "WARNING-NO LIFEGUARD ON DUTY" with clearly legible letters at least 4 inches high. In addition, the sign shall also state in letters at least 2 inches high "CHILDREN SHOULD NOT USE POOL WITHOUT ADULT SUPERVISION". The additional signage required in this subsection may be included on the sign described in paragraph (2) of this subsection; and

(D) when a required telephone is not readily visible from a post-10/01/99 or pre-10/01/99 pool or spa, directions shall be posted regarding its location as stated in subsection (i) of this section.

(2) In areas of Texas where a majority of citizens are non-English speaking, in addition to signs in English, signs, and other written warnings required by these standards, may be posted in the predominant language.

(g) Lifeguard personnel standards at post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following lifeguard requirements:

(Sections 1-8 removed for clarity)

(9) lifeguards and second responders shall be provided at:

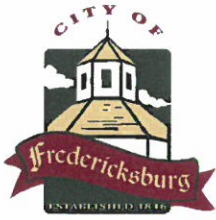
(A) post-10/01/99 and pre-10/01/99 Class A pools during competitive events;

(B) post-10/01/99 and pre-10/01/99 Class B pools; and

(C) post-10/01/99 and pre-10/01/99 Class C pools with a diving board or a slide that is not locked or chained to prevent use of the diving board or slide; and

(10) where lifeguards are not provided, refer to subsection (f)(1) of this section relating to signs.

**THIS IS AN EXCERPT - PORTIONS OF RULE HAVE
BEEN DELETED FROM THIS COPY**



CITY COUNCIL MEMO

DATE: January 11, 2021
TO: Mayor and City Council
FROM: Shelley Goodwin, City Secretary
SUBJECT: Order of May 1, 2021 General Election.

Summary:

The City Council needs to approve the Order calling for the General Election for May 1, 2021.

Recommendation:

Staff recommends City Council approve the Order calling for the May 1, 2021 General Election.

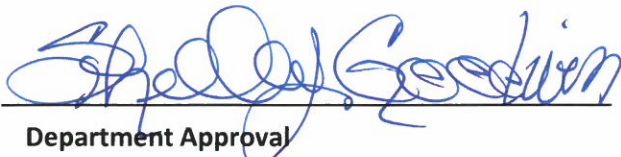
Background / Analysis:

The Order calling for the May 1, 2021 General Election is for the purpose of electing two (2) Councilmembers. This Order also includes the following:

- Early Voting dates, times, and location
- Election Day times and locations
- Process and deadlines for requesting a Ballot by Mail

Attachment:

Election Order


Department Approval


City Manager Approval


City Attorney Approval

The City of Fredericksburg

**ORDER OF GENERAL ELECTION FOR
CITY OF FREDERICKSBURG, TEXAS
(ORDEN DE ELECCIÓN GENERAL PARA
CIUDAD DE FREDERICKSBURG)**

An election is hereby ordered to be held on Saturday, May 1, 2021 for the purpose of electing a two Councilmembers.

(Se ordena que se celebren elecciones el sábado 1 de mayo de 2021 con el propósito de elegir dos concejales.)

Early Voting by personal appearance will be conducted at the:

(La votación anticipada por comparecencia personal se llevará a cabo en:)

Girl Scout Cabin
202 W. Austin Street
Fredericksburg, Texas 78624

The hours will be as the following schedule:

Monday (Lunes)	April (Abril)	19 th	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Tuesday (Martes)	April (Abril)	20 th	from (de)	7:00 a.m.	to (para)	7:00 p.m.
Wednesday (Miércoles)	April (Abril)	21st	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Thursday (Jueves)	April (Abril)	22 nd	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Friday (Viernes)	April (Abril)	23 rd	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Monday (Lunes)	April (Abril)	26 th	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Tuesday (Martes)	April (Abril)	27th	from (de)	7:00 a.m.	to (para)	7:00 p.m.

Election Day Polling Places for the General Election will be conducted at the:

(El lugar de votación del día de las elecciones para las elecciones generales se llevará a cabo en el:)

Precinct 1 and Precinct 4

Girl Scout Cabin
202 W. Austin Street
Fredericksburg, Texas 78624

Precinct 2 and Precinct 3

Fredericksburg Fire & EMS Department
South Station-Conference Room
221 Friendship Lane
Fredericksburg, Texas 78624

The Election Day Polling Places for the General Election shall be open from 7:00 a.m. to 7:00 p.m. on May 1, 2020, in accordance with and pursuant to the requirements of the Texas Election Code.

(El Lugar de Votación del Día de las Elecciones para las Elecciones Generales estará abierto a partir de las 7:00 a.m. para 7:00 p.m. del 1 de mayo de 2021, de acuerdo con y de acuerdo con los requisitos del Código Electoral de Texas.)

Application for ballot by mail shall be mailed to:

(La solicitud de boleta por correo se enviará por correo a:)

Shelley Goodwin, City Secretary
City of Fredericksburg
126 W. Main Street
Fredericksburg, Texas 78624

Applications for ballots by mail must be received no later than the close of business, at 4:30 p.m. on (application in person) April 16th or (application by mail) April 20th.

(Las solicitudes de papeletas por correo deben recibirse a más tardar al cierre del negocio, a las 4:30 p.m. en (solicitud en persona) el 16 de abril o (solicitud por correo) el 20 de abril).

Approved and adopted by the City Council of the City of Fredericksburg on 19th day of January, 2021.

(Aprobado y adoptado por el Ayuntamiento de la ciudad de Fredericksburg el 19 de enero de 2021.)

Signature of Mayor
(Firma del Alcalde)

Councilmember
(Concejal)

Councilmember
(Concejal)

Councilmember
(Concejal)

Councilmember
(Concejal)



CITY COUNCIL MEMO

DATE: January 13, 2021
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: 2021 Legislative Priorities

Summary:

Every two years the City Council adopts their legislative priorities which are then communicated to our legislative delegation during various meetings during the session.

Recommendation:

It is recommended that the Council review the attached listing of priorities and make any necessary changes prior to approval.

Background / Analysis:

Following the last City Council, the preliminary list that Councilman Musselman prepared was combined to a preliminary list that I prepared. This revised listing is attached for the Council's consideration.

Attachments:

Proposed Legislative Priorities


Department Approval


City Manager Approval

The City of Fredericksburg



City Attorney Approval

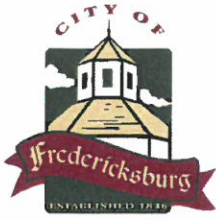
The City of Fredericksburg

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Agenda Packet Page 44

City of Fredericksburg
2021 Legislative Priorities

1. Support legislation that increases existing grants or creates new grant program funding that provides financial assistance to local law enforcement agencies including funding for purchase of body cameras and associated data storage costs.
2. Support legislation that makes confidential, and not subject to disclosure under the Public Information Act, certain information related to a City's cybersecurity technology.
3. Oppose additional revenue or appraisal caps and tax limits that impact the City's ability to provide services to City residents.
4. Oppose legislation that limits or erodes City revenue and the ability to provide services to citizens.
5. Oppose legislation that restricts the City's ability to collect and utilize sales tax revenues to support municipal operations.
6. Support amendments to 86R-HB 3167 (shot clock bill) that would decrease the burden on the City to comply with this legislation.
7. Support efforts to amend 86R-HB 2439 that prohibits cities from adopting or enforcing regulations that limit the use of certain building products or materials.
8. Oppose legislation that would erode the City's land use authority through planning and zoning.
9. Oppose legislation that would further erode the City's ability to annex property and the City's current authority in the extraterritorial jurisdiction (ETJ).
10. Support City's efforts to preserve municipal authority to regulate short-term rentals.
11. Support City's efforts to preserve 86R-HB 4347 which provides a local developer of a conference center in the City to qualify for the rebate of 6% State HOT revenues over a 10-year period.
12. Support proposed legislation that will allow the City to use a portion of HOT revenues to fund park improvements that directly benefit visitors.
13. Support efforts to preserve the City's authority to issue Certificates of Obligation for funding future infrastructure improvements.
14. Oppose any legislation that created unfunded mandates for which the costs are passed down to residents.



CITY COUNCIL MEMO

DATE: January 13, 2021
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Presentation by Dr. Partin

Summary:

Dr. Jim Partin, Chief Medical Officer for Hill Country Memorial, will be presenting information on current data and future projections for COVID-19 in Gillespie County at Monday's Council meeting.

Recommendation:

Following Dr. Partin's presentation, it is recommended that the Council ask Dr. Partin any questions about the current and future status of the virus in our County.

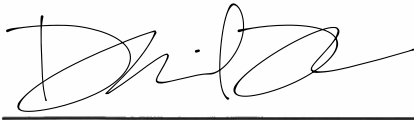
Background / Analysis:

Attachments:


Department Approval


City Manager Approval

The City of Fredericksburg



City Attorney Approval

The City of Fredericksburg

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Agenda Packet Page 48



CITY COUNCIL MEMO

DATE: January 19, 2021

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider presentation on Oakcrest expansion by the Soccer Association

Summary:

Representatives from the Soccer Association will make a presentation to City Council on a proposal for the expansion of Oakcrest Park. A Little League representative will also be available for questions during the presentation.

Recommendation:

Accept presentation from the Soccer Association on the Oakcrest Park expansion..

Background / Analysis:

The Oakcrest Park Expansion committee made up of members from City Council and the County Commissioners as well as City staff have met over the last several months to discuss the next step in the Oakcrest Park expansion. The Soccer Association has developed a proposal on building soccer fields. The Little League organization is also working on a proposal for the development of ballfields as well.

Attachments:

Soccer presentation, Soccer fields layout, Soccer construction budget, Little League letter to City Council, Little League preliminary layout, Soccer plan overlaid on original Master Plan

The City of Fredericksburg

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Department Approval



City Attorney Approval



City Manager Approval

The City of Fredericksburg

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January 12, 2021

To: Clint Bailey – City of Fredericksburg

From: AYSO Region 714, AYSO United Hill Country, Dan Kemp, Mark Cornett

RE: DRAFT agreement items for soccer field construction with City of Fredericksburg and Gillespie County

Mr. Bailey,

Vision: Develop a public – private partnership between the City of Fredericksburg, Soccer association, and Gillespie County that will provide soccer fields for the use of youth and adult recreational and competitive leagues. The infrastructure of the fields would be owned by the City of Fredericksburg and maintained through a partnership with the Soccer association.

AYSO Region 714, AYSO United Hill Country, and private funding

1. Design, construct and maintain soccer fields in master plan location. We will provide the grading and field construction through establishing grass. We will provide excavation to subgrade for parking lot.
2. Construct approximately 7,000 square yards of a gravel parking lot adequate for 100 spaces. RAP materials provided by City. This is Phase 1 parking only with an adequate turn around at south end.
3. Maintenance of youth fields, electricity for field lighting.
4. Maintenance of irrigation system internal to the fields.
5. Topo survey and field data, which has been completed.

We request the City to provide:

1. Land adequate to construct the fields. See attached exhibit.
2. Effluent irrigation line and irrigation system appropriate for soccer fields. Provide effluent for irrigation. Provide the initial irrigation system in the fields. Provide technical support with field nutrient loading to coordinate Soccer association fertilization and maintenance schedules.
3. Concrete driveway approach from Fair Drive along with suitable concrete apron for safe entrance and exit (3,000 s.f.). Include an appropriate gate that can be locked to keep vehicles out if the fields are closed (single pipe gate okay).
4. Provide and deliver approximately 1500 ton of recycled asphalt pavement (RAP) for parking lot. The RAP provides a driving surface with low dust. It also allows water to infiltrate and does not have the impervious impacts as pavement. This will be for Phase 1 parking.
5. Provide and extend water and sewer service to restroom / concession site.

We request the City to maintain:

1. Restrooms along with normal maintenance like the existing baseball restrooms near the fields.
2. Normal trash service in conjunction with baseball facility.
3. City to maintain electricity and water to restroom facility.

We request the County to provide or fund:

- 1. Restroom, small concession stand, and meeting/storage room facility similar to Kerrville building.**
- 2. Sidewalks around restroom facility patio.**
- 3. Portable light systems that can be moved around as needed for fields.**
- 4. Coordination with drainage issues as our site will drain into the airport property.**

Field Ownership: The City will continue to own the area delineated by the soccer fields. The soccer association will lease the fields on an annual basis for an initial period of 30 years at \$10 per year. Reasonable conditions to the use, maintenance, and purpose of the fields – youth and adult sport fields. The applicable local soccer association board would manage the fields. Through dues, lease of the fields, and activity charges the association would be responsible for maintenance of turf. The local soccer board will provide an annual report to the estimated usage, revenues, and related costs associated with maintenance of the fields.

Utilities: City to provide potable water, sewer, and effluent for irrigation. City to provide electricity for irrigation system. Soccer will pay for electricity usage at building and field lights.

Insurance: We will maintain insurance on the fields and regulate them as per our insurance requirements.

We operate with volunteers, parents, coaches, referees. We have revenue from registration fees, donations and sponsorships, and fundraising that will be used to maintain the fields. Additionally, we intend to offer advertising on annual basis to assist with field maintenance and would therefore reserve advertising rights to generate maintenance revenue for the duration of our lease.

A proper sign listing out the cooperation status of the soccer fields between the City, County, major donors to construct the fields, management of the fields, scheduling, and related regulations will be provided at the entrance.

Preliminary takeoff for budget considerations. Items left blank are not yet completed.

Costs in yellow are only a plug number, and not well defined scope and budget.

PKSA - Fredericksburg, TX By: Cornett 1/12/2021

Potential PKSA responsibility and in need of fund raising				Unit	Unit Cost	Total	Description
Item	Qty	Unit	Unit Cost	Unit	Unit Cost	Total	
1 Earthwork mobilization / demobilization	1	ls	\$ 10,000	\$	\$	10,000	
2 SWP3 permit, silt fence, inspection	1	ls	\$ 10,000	\$	\$	10,000	
3 Salvage, stockpile, and replace topsoil over fields	6,000	cy	\$ 8	\$	\$	48,000	
4 Excavation	13,000	cy	\$ 5	\$	\$	65,000	
5 Embankment	13,000	cy	\$ 5	\$	\$	65,000	
6 Subgrade prep in Phase 1 & 2 parking area	13,000	sf	\$ 3	\$	\$	39,000	
7 Added topsoil for fields (3")	5,000	cy	\$ 20	\$	\$	100,000	
8 Allowance for storm water detention outfall (culvert / berm)	1	ea	\$ 30,000	\$	\$	30,000	
9 Revegetation outside of fields and silt control	1	ls	\$ 20,000	\$	\$	20,000	
10 Establishing grass	12.5	ac	\$ 8,000	\$	\$	100,000	
11							Area includes 20' perimeter around each field site for grass and irrigation Seed only - needs research
12 Electrical distribution for field lights	1	ls	\$ 25,000	\$	\$	45,000	
12b Design	1	ls	\$ 30,000	\$	\$	45,000	plug number. Need ground plugs around fields for portable lights.
Option 1 Base and hot mix parking lot Phase 1 & 2							
13a 6" curb and gutter around parking	1,020	lf	\$ 16	\$	\$	16,320	
13b Type A Gr 2 or 5 flex base 8" in parking lot phase 1 & 2	13,000	sf	\$ 11	\$	\$	136,500	
13c Prime and 2" HMAAC phase 1 & 2	13,000	sf	\$ 15	\$	\$	195,000	
13d Concrete wheel stops phase 1 & 2	140	ea	\$ 40	\$	\$	5,600	
13e Parking lot paint markings and basic directional signage	280	ea	\$ 30	\$	\$	8,400	
13f ADA spaces and ramps phase 1 & 2	8	ea	\$ 500	\$	\$	4,000	
Option 2 Recycled Asphalt Parking lot Phase 1 only							
14a curb stops to delineate spaces	140	ea	\$ 70	\$	\$	9,800	
14b Placement of RAP	1,500	ton	\$ 17	\$	\$	25,500	
14c Directional signage	1	ls	\$ 5,000	\$	\$	5,000	
14d ADA spaces and ramps phase 1	4	ea	\$ 1,100	\$	\$	4,400	
14e allowance for emulsion treatment to RAP	7000	sf	\$ 3	\$	\$	21,000	
			subtotal			\$ 942,820	
			subtotal			\$ 642,700	
Potential City Responsibility				Unit	Unit Cost	Total	Description
Item	Qty	Unit	Unit Cost	Unit	Unit Cost	Total	
30 Land for facilities	1	ls	\$ 25,000	\$	\$	45,000	
31 Water and sewer extensions for concession stand	1,500	ton	\$ 15	\$	\$	22,500	
32 Provide RAP			\$ 300,000	\$	\$	300,000	Extend water and sewer lines to building site for concession stand and restrooms RAP from Friendship Lane at City yard
33 Effluent extension to property, ground tank, fence.	1	ls	\$ 120,000	\$	\$	120,000	by City Cost needs development - not sure. Store 250k gallons water in above ground berm by City. Budget quote from RLC at PMT Service - San Marcos.
34 Effluent pump system - PMTS, 225 gpm, 70 psi - package	1	ls	\$ 35,000	\$	\$	35,000	by City. Needs extension from Fair Drive - possibly above ground along fence. CTEC?
35 Electrical service to pumps	1	ls	\$ 140,000	\$	\$	140,000	quote provided by Shane Heffernan of Kerrville
36 Irrigation system allowance (excludes storage or pumps)	1	ls	\$ 27,000	\$	\$	27,000	
37 Commercial concrete driveway	3,000	sf	\$ 9	\$	\$	100,000	
38 Design and contingency for effluent and irrigation system			subtotal			\$ 789,500	Does not include land that is already purchased
Potential County Responsibility				Unit	Unit Cost	Total	Description
Item	Qty	Unit	Unit Cost	Unit	Unit Cost	Total	
40 Concession stand and bathrooms	2400	sf	\$ 200	\$	\$	480,000	
41 Sidewalks and patio around concession stand	4000	sf	\$ 9	\$	\$	36,000	Block building - 6 stall restrooms. Small concession - large events with food trucks. Extending roof for shade/shelter.
42 Portable light systems. LED.	14	ea	\$ 8,000	\$	\$	112,000	Portable units allow for versatility to use on only fields necessary
43 Design and contingency	1	ls			\$	40,000	
			subtotal			\$ 668,000	
Contingency				Unit	Unit Cost	Total	Description
Item	Qty	Unit	Unit Cost	Unit	Unit Cost	Total	
51 Planning level contingency	10%		\$ 2,100,200	\$	\$	210,020	
			subtotal			\$ 210,020	
			Total			\$ 4,320,000	This includes option 2 for parking lot



Fredericksburg Little League
P.O. Box 993
Fredericksburg, TX 78624
www.FBGLL.com
fredericksburglittleleague@gmail.com

Dear Mayor Kiehne and City Council,

Fredericksburg Little League is very appreciative of the City's and County's support in creating additional playing space for our youth. As a board, we have met and discussed the task at hand and will be working tirelessly to create a plan for the building of a baseball/softball facility at Oak Crest Park. We understand the AYSO has created a plan for the soccer organization. We certainly support their plan and look forward to seeing it come to fruition. With that, we want to be sure that the plan they have created leaves sufficient space for future baseball and softball fields, sufficient parking, concessions and bathrooms that are easily accessible, and be sure the flow of traffic works well for all.

Thank you again for bringing Fredericksburg Little League into the plan and allowing us the opportunity to be a part of this process. We look forward to working with you to create an amazing facility for our youth.

Best,
Mark Southard
President – FBG Little League

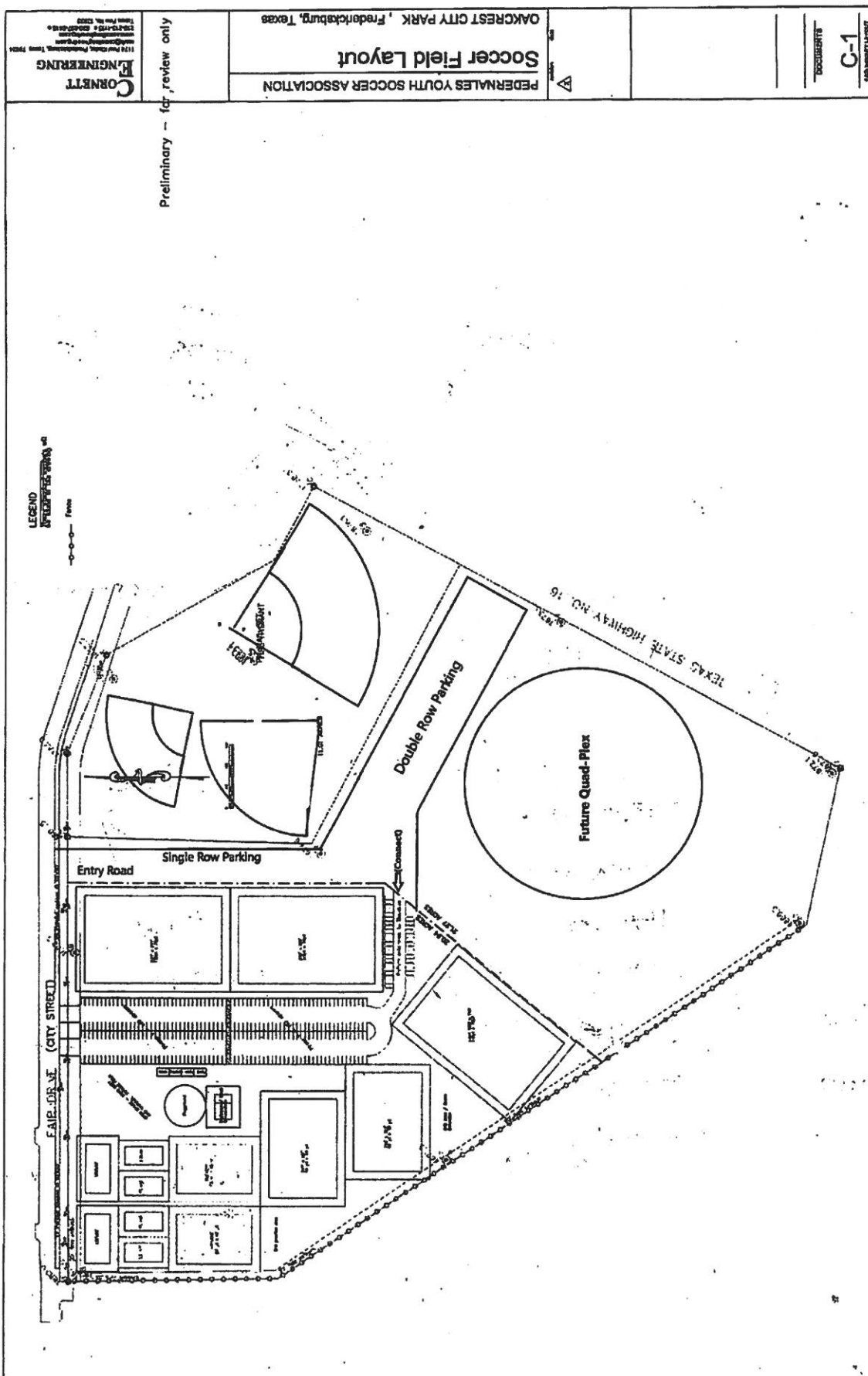
Fredericksburg Little League

P.O. Box 993

Fredericksburg, TX 78624

www.FBGLL.com

fredericksburglittleleague@gmail.com

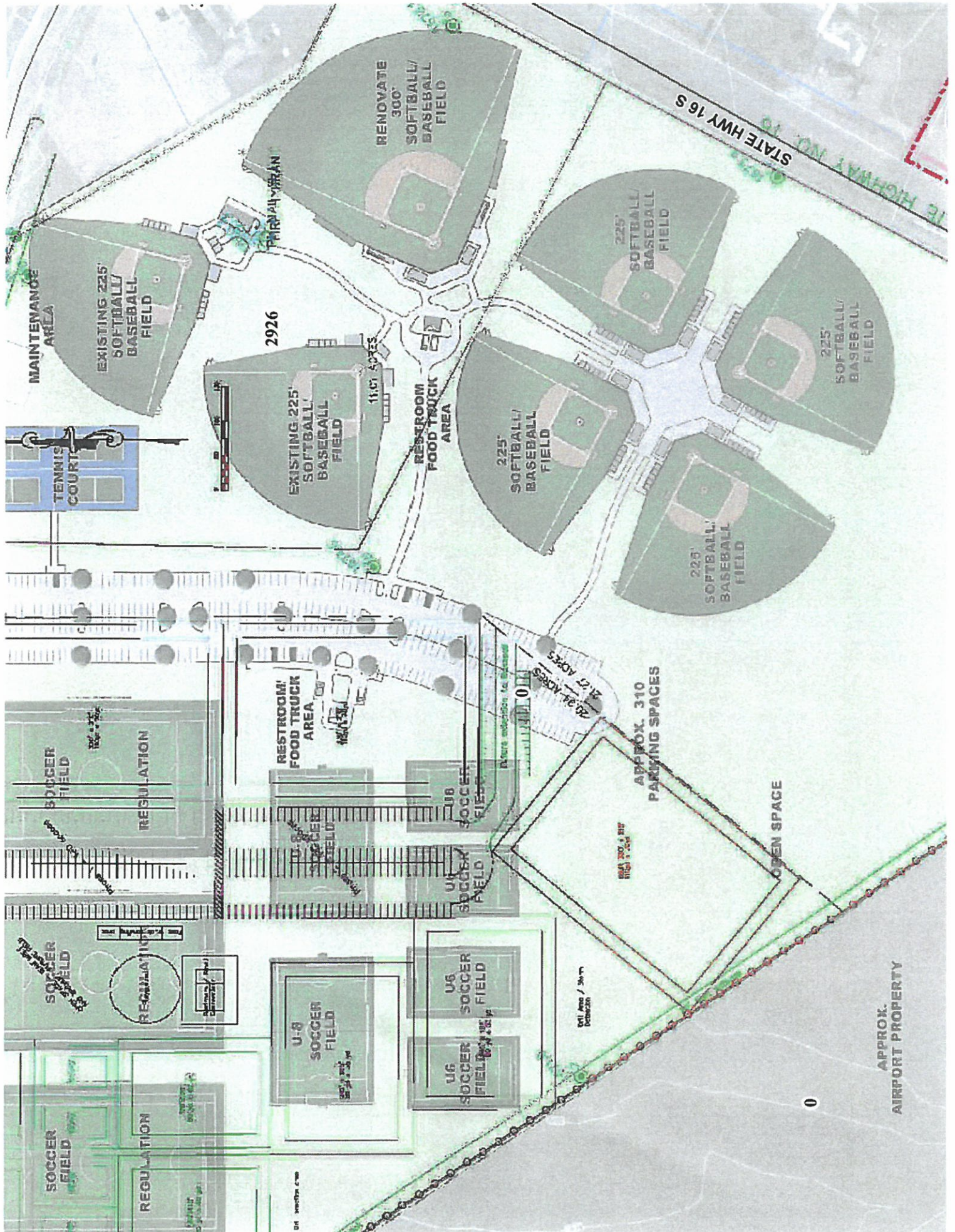


Preliminary - for review only

CORNETT ENGINEERING
 1124 Peachtree, Fredericksburg, Texas 78603
 512-533-1111
 FAX 512-533-1112
 www.cornett-engineering.com

FEDERNALES YOUTH SOCCER ASSOCIATION
Soccer Field Layout
 OAKCREST CITY PARK, Fredericksburg, Texas

C-1
 SHEET





CITY COUNCIL MEMO

DATE: January 13, 2021
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: February City Council and Other Public Meetings

Summary:

The City Council previously approved holding meetings on a remote basis in January due to the status of COVID-19. The Council needs to decide how to handle public meetings scheduled in February.

Recommendation:

It is recommended that the City Council consider current local data and future projections for COVID-19 and decide whether to continue to have public meetings on a remote basis during the month of February. If the Council wants to have in-person meetings, then a location for these meetings should be approved.

Background / Analysis:

Attachments:

The City of Fredericksburg

Department Approval

City Manager Approval



City Attorney Approval

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: January 11, 2021

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Health & Safety Plan for Wanderlust Half Marathon

Summary:

Scallywampus Events has submitted a health & safety plan for review and approval to host the Wanderlust Half Marathon on March 20, 2021 at Marktplatz (Adelsverein Halle).

Recommendation:

City council should consider adoption of a motion to allow the Wanderlust Half Marathon to take place at Marktplatz on Saturday, March 20, 2021, based upon the information included in the attached health & safety plan.

Background / Analysis:

The Wanderlust Half Marathon, 10K, and 5K races have taken place at Marktplatz in 2018 & 2019. The 2020 race was canceled due to COVID.

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)

The City of Fredericksburg

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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.

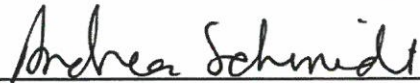
At the October 19th city council meeting, the moratorium was extended to November 16, 2020.

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

At the December 21st city council meeting, the moratorium was extended to February 28, 2021 with the following events approved to move forward: Hill Country Indian Artifact Show, Kid Fish, and St. Mary's Catholic Schools Week Parade.

Attachments:

Wanderlust Half Marathon Health & Safety Plan; 2021 Special Event Application



Department Approval



City Attorney Approval



City Manager Approval

The City of Fredericksburg

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Wanderlust Half Marathon hosted by Scallywampus Events
Saturday, March 20, 2021 at Marktplatz (Adelsverein Halle)

COVID Rules

1. Do not attend if you are sick, we have a virtual option and we will move you to virtual anytime, we prefer to know 48 hours in advance of the race but we will still move you anyway.
2. Keep 6ft between you and everyone in your area.
3. Wear a mask before and after the event you can take it off while racing.
4. Wash your hands often.
5. Our start line will have a staggered start of not more than 10 people at a time.
6. Finisher medals will be on tables still in their sealed package, do not throw the package on the ground look for a trash can, thanks.
7. There will not be any in-person sign up at the race or packet pick-up, you must sign up online, COVID rules.
8. We will be administering temperature checks at the race, if you have a temperature you will be asked to leave.
9. All Scallywampus vendors and volunteers will be wearing a mask and will follow all of the rules listed above.
10. We will have a hand wash station onsite in addition to having pavilions open to wash hands.
11. Awards are not touched but are giving from the box which they were received, winners will reach into the box to extract their award from the original box.
12. We do not allow spectators to attend.
13. This information goes to all participants via email and is posted on social media and will be on our website for Wanderlust Fredericksburg race.
14. Our emcee will keep repeating the COVID rules and encouraging all groups to comply.
15. Several of us will be walking around telling non compliers to help out by complying ore to politely leave the area of the pavilion.
16. We have had 5 live events during COVID and have followed all of these rules, yes some do not comply. We have private conversations with them and ask them to comply and if they do not we will not let them register for the next race as their non-compliance puts our approval for the next event in jeopardy.
17. Our success rate is very high in getting runners to buy into COVID compliance while on site.
18. Of course once our event is over, our power to enforce any compliance drops to almost zero.

Bart Childers
100 N. Santa Rosa Ph 10
San Antonio, Texas 78207
www.scallywampus.com
bart@scallywampus.com



City of Fredericksburg Parks & Recreation Department

Special Event Application

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

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

APPLICANT INFORMATION

Name of Organization/Business: Scallywampus Events

Applicant Name/Event Organizer: Bart Childers

Address: 100 N. Santa Rosa Ph 10

City: San Antonio State: TX Zip: 78207

Primary phone: (210) 849-8275 Secondary phone: ()

Email address: bart@scallywampus.com

Event Promoter Name: Primary phone: ()

Organization/Business Type: ☒ FOR-PROFIT; Event proceeds go to: Scallywampus Events
☐ *NON-PROFIT *attach proof ☐ INDIVIDUAL

EVENT INFORMATION & LOCATION

Official Event Name: Wanderlust Half Marathon Event date(s): Saturday, 3/20/2021

Event History: Is this a first-time event? ☐ YES ☒ NO Estimated attendance: 800

Is the event open to the general public? ☒ YES ☐ NO Date application submitted: 8/24/2020

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

*MARKTPLATZ		*Excludes City Hall/Fire Station, Annex, Police Substation & Vereins Kirche	Address: 100 West Main Street, Fredericksburg, TX 78624
Please check all that apply:			
☐ Entire Square: \$2,400/week	☐ Kinder Halle: \$150	☐ Oktoberfest Halle: \$150	
☒ Adelsverein Halle: \$250	☐ Fest Room: \$50	☐ Kitchen: \$50	
☐ Entire Square additional day: \$650 each; ___ # of days	☐ Banner Hanging Fee: \$25 (optional; at front of Marktplatz for 24 hours)	BC INITIAL (required) : I have read Marktplatz Use Regulations on pages 16-18 of the Special Events Planning Guide.	

*LADY BIRD JOHNSON MUNICIPAL PARK (LBJMP)		*Excludes Park Headquarters Building, swimming pools, RV Park, campsites, dog park, nature trail, tennis court and golf course. Access to such areas may be closed or restricted for events and in the discretion of the PARD.
Please check all that apply:		
☐ **Pioneer Pavilion; \$625 for 4 days (Thursday-Sunday only)	☐ Tatsch House: Fri/Sat/Sun, December & holidays: \$200	
☐ Entire Park: \$1,600 per week; ___ # of add-on days: \$650/day	☐ Tatsch House: weekday (Monday-Thursday): \$150	
☐ Cooler inside Pioneer Pavilion: no fee; non-perishable items only	bc INITIAL (required): I have read LBJMP Use Regulations on pages 19 & 20 of the Special Events Planning Guide.	
Outdoor Pavilions: ☐ Pav. #1: \$40 ☐ Pav. #2: \$40 ☐ Pav. #3: \$45 ☐ Pav. #4: \$45 ☐ Pav. #5: \$60		

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

EVENT INFORMATION CONTINUED

OTHER PROPERTY

Please check all that apply:

☐ Fort Martin Scott: \$500/day; ____ # of days ____ INITIAL (required): I have read Fort Martin Scott Use Regulations on page 21 of the Special Events Planning Guide.	☐ Town Pool: \$200; restroom access only	☐ Parade/*Other/*Private Property, list location and address: _____ <i>*Applicant shall submit copy of a letter from property owner giving written permission for event use.</i>
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Attach more sheets if needed for information below:

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

Move-in/Set-up Date: 3/20/2021 Times: Start: 6 a.m. End: 1 p.m.

Indicate dates/times OPEN to attendees:

Event Date: 3/20/2021 Times: Start: 8 a.m. End: 12 p.m.
 Event Date #2: _____ Times: Start: _____ End: _____
 Event Date #3: _____ Times: Start: _____ End: _____

Move-Out & Strike (final day):

Move-Out/Strike Date: _____ Times: Start: _____ End: _____

Event day "on-site" Contact Name: Tony Garcia Phone: (210) 722-4548

Event website: <http://www.scallywampus.com/wanderlust-halfmarathon/>

Event information hotline: (210) 849-8275

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

☐ YES

☒ NO

Admission will be made by: ☐ Pre-sold ticket ☐ Free ☒ Pre-registration

☒ On-site sale/registration

Other (please specify): _____

EVENT COMPONENTS

Please check all that apply:

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

☐ Other (please list): _____

Event Size: 800 Estimated max. attendance at one time 0 # of Art/Craft Vendors
50 # of Staff/Volunteers expected 6 # of Food/Beverage Vendors

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

**Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please use the official Street Closure Request Form found on page 9.*

Pavement Markings: Will your event be requesting to mark any pavement?

☒ YES*

☐ NO

*If yes, please describe the materials & supplies you are requesting to mark the pavement: we will put mostly signs out but we do put a flour

When & how will the markings be removed? signs removed and flour dissolves on it's own within a couple of days

EVENT COMMUNICATION & SECURITY

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

Event Management (internal): cell phones

Public Address (external): _____

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

What security/law enforcement agency have you hired for your event? _____

Contact name: _____ Phone: () _____

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

*If yes, who did you speak with? _____

EQUIPMENT, ACTIVITIES & AMUSEMENTS

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

- ☐ **Generators**; list quantity: _____ and size(s): _____
- ☐ **Canopies/Tents larger than 200 sq. ft.**; quantity: _____ and size(s): _____
- Sides? ☐ Yes ☐ No; if yes, how many sides will be closed? _____
- How will tents/canopies be secured? ☐ Water barrels (preferred) ☐ Stakes ☐ Sandbags ☐ Weights
- Other (describe): _____
- ☐ **Stage**; quantity: _____

Please check all that apply:

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

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

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

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

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

UTILITIES, RESTROOMS & HAND WASHING STATIONS

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

*If yes, what will electricity be used for? DJ and finish line needs (timing people and blow up finish line)

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

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

*If yes, what will water be used for? finish line water

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

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

_____ # of **regular portable restrooms** _____ # of **ADA portable restrooms** _____ # of **hand-washing stations**

*Equipment will be delivered on: _____ at _____ (enter time)

Equipment will be picked up on: _____ at _____ (enter time)

Sanitation company name: _____ Phone: () _____

When will items be serviced and how often? _____

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

CLEAN UP/TRASH COLLECTING & RECYCLING

Contact name responsible for event clean-up: Tony Garcia Phone: (210) 722-4548
 Will a dumpster(s) be delivered? ☐ *YES; when? _____ ☒ NO
 What size dumpster(s)? _____
 What provisions will be made for recycling? _____
**Event organizer or representative must be present for delivery of equipment to ensure proper placement.*

FIRST AID & EMERGENCY VEHICLE ACCESS

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

☒ *YES ☐ NO

*Company/Org. Name: Hill Country Memorial Hospital

Contact Name: Dawn Sparrow

Phone: (830) 889-3789

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

Have you reviewed your layout to verify emergency vehicle access?

☒ YES; ☐ NO

FOOD & BEVERAGE:

Please check all that apply:

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

☐ *Sale of food/beverages

☒ *Distribution of food/beverages

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

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

Indicate type:

- ☐ Beer
☐ Wine/Champagne
☐ Liquor

Who will provide the alcohol?

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

☒ Event will distribute alcohol at no charge.

Indicate type:

- ☒ Beer
☒ Wine/Champagne
☒ Liquor

Who will provide the alcohol?

Vendors-Alamo Beer, etc.

☐ Event will not have alcohol.

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

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

RACES, RUNS, & WALKS ONLY

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

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

Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please use the **Street Closure Request form found on page 9.*

On-site registration will begin at: 6:30 ☒ am / ☐ pm @ Marktplatz (location)

Starting time (if staggered, please enter all and explain): 8:01am (13.1), 8:45am (10k), 9:01am (5k)

Describe your route, including starting point and disbanding area:

Start: Marktplatz (location)

Route: Route for 13.1 :https://www.plotaroute.com/route/1049186, route for 10k: https://www.plotaroute.com (describe distances)

Disband: Marktplatz (location)

PARADES ONLY

Complete this section if your event includes a parade.

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

Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please use the **Street Closure Request form found on page 9.*

Parade staging will begin at: _____ ☐ am / ☐ pm @ _____ (location)

Start: _____ (location)

Route: _____ (describe distances)

Disband: _____ (location)

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

*How will you clean-up animal waste? _____

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

SIGNATURE & INDEMNITY AGREEMENT

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

Bart Childers

8/24/2020

Signature of Applicant

Date

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

Bart Childers

8/24/2020

Signature of Applicant

Date

ADDITIONAL NOTES ABOUT YOUR EVENT (type below):

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

For City of Fredericksburg Use Only:

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

Signature of City Manager or Designated Representative

Date

Additional comments: _____

Future Agenda Items

City Council

February 1, 2021 Regular Meeting

City Council = Red

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

Planning & Zoning = Green 2-3-2021 @ 5:30 p.m.

Historic Review Board = Purple 2-9-2021 @ 5:30 p.m.

Board of Adjustment = Blue 2-11-2021 @ 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						

Proclamation

Consent

1. 1-19-2021 City Council Regular Meeting Minutes

Ordinances

1. Ordinance 2021-01 (2nd reading if not approved on 1st reading)

Resolutions

Public Hearing

Approvals-Misc.

1. Farmers Market request to move from Kinder to Adelsverein Hall, fee increase
2. Wildflower Run Health & Safety Plan and Street Closure Request

Presentations, Discussions and Updates:

1. Disaster Declaration/Metrics

Executive Session

February 15, 2021 Regular Meeting

City Council = Red

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

Planning & Zoning = Green 2-3-2021 @ 5:30 p.m.

Historic Review Board = Purple 2-9-2021 @ 5:30 p.m.

Board of Adjustment = Blue 2-11-2021 @ 5:30 p.m.

City Events = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
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21	22	23	24	25	26	27
28						

Proclamation

Consent

1. 2-1-2021 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

1. Z-2019 Nick Taylor CUP

Approvals-Misc.

1. Z-2019 Nick Taylor CUP

Presentations, Discussions and Updates:

1. Presentation from 175th Anniversary Celebration Update
2. Consideration of the extension of the moratorium on special events and outdoor gatherings of 75 or more people on City-owned property

Executive Session